

***United States Court of Appeals
for the Second Circuit***



APPENDIX

77-1319 •

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

77 CR 1319
1320

-----x

UNITED STATES OF AMERICA,

Appellee

versus

NANCY REED & MORRIS GOLDSMITH AKA
MARLOWE,

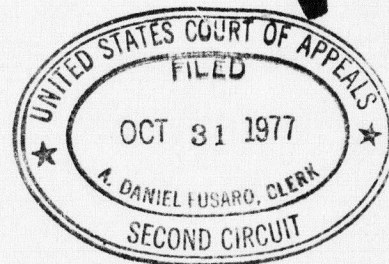
Index. Nos. 77 Cr. 1319, 1320

Appellants.

-----x

JOINT APPENDIX
FOR
APPELLANTS

B
Pls



ROBERT S. MARKFIELD, ESQ.
Attorney for Reed
509 Madison Avenue
New York, N. Y. 10022
212 935-2233

HELENA PICHEL SOLLEDER, ESQ.
Attorney for Goldsmith
19 Rector Street
New York, N. Y. 10006
212 Bo. 9-2222

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* RECORDS ROOM *
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PAGINATION AS IN ORIGINAL COPY

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0208 1

0858

REED, NANCY

04 14

77

0273

02

21:846
21:812,841Consp. to viol. Fed. Narco. Laws.
Distr. & possess. of Heroin, I1
2-4

7/20

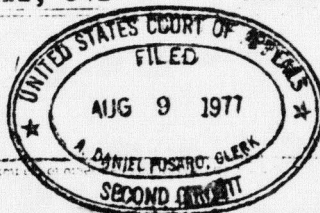
77-20
BAIL - RELEASE

AMT ☐ Fugitive
Se ☒ Pers. Res.
☒ PSA
\$ 10,000
Date 2/23/77
Conditions:
☐ 10% Deposit
☐ Surety Bond
☐ Collateral
☐ Bail Not Made
☐ Status Changed (See Remarks)
☐ 3rd Party Cust. On

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
U.S. Custody Began * 2-23-77	High Risk Date 4-14-77	Information ☐ 4-21-77	Trial Set For 4-21-77	Disposition of Charges Vair Dire ☐
Summons Served	Indict Waived ☐	1st Plea 4-21-77	NG ☐ G ☐ NOL ☐	Convicted ☐
First Appearance	In Charging District	Superseding ☐ Indict/Info ☐	G Plea ☐ W/Drawn ☐	Acquitted ☐
		Final Plea	NG ☐ G ☐ NOL ☐	Dismissed ☐
				On All Chrg ☐ On Lesser Offense ☐ WOP ☐ On Government Motion ☐

DATE	INITIAL NO	WACISTRATE	CRIME
2-23-77	MDJ-08AB	2-23-77	21:812, 841 Narcotics
3/4/77	MDJ-08AB		

Alan Levine
791-0932Robt. S. Markfield
509 Madison Ave., N.Y.C. 10022
371-4491

Goldsmith-2

- 2-23-77 Complaint filed, LAS assigned for bail only. Deft. released on bail, address: 1380 University Ave., Bx., N.Y.
- 4-14-77 Indictment filed, 77 Cr 273.
- 4-21-77 Deft. (Atty. present) Pleads not guilty. Bail \$10,000. P.R.B. continued. Case assigned to Judge Stewart for all purposes. Stewart, J.
- 4-21-77 Filed the following papers rec'd from Mag Jacobs (Mag #77-207):
Complaint- Disposition sheet- CJA #23 Financial affidavit- Appearance bond in the amount of \$10,000 dated 2-23-77- Order appointing Counsel Legal Aid Society-CJA Form #20 appointing Robert S. Markfield as atty for deft
- 4-25-77 Filed notice of appearance of R.S. Markfield as atty for deft

Clerk of the Court

A.C.I.

5-3-77 P/T conference held atty Robert Markfield
STEWART, J.

5-26-77 REassigned to Judge Bryan..M/N

5-27-77 Filed Govt's B/P

6-2-77 Filed Govt's Voir Dire

6-2-77 Filed Govt's requests to charge

6-1-77 Filed Deft. ~~W/A~~ Proposed Questions for Jury Venire.

6-1-77 Filed Deft's Request to charge.

6-6-77 Hearing held & concluded. Denied...STEWART, J.

6-7-77 Hearing continued in suppression Hearing concluded Motion denied
Trial Jury begun as to deft

6-8-77 Trial continued

6-9-77 " "

6-10-77 " "

6-13-77 " "

6-14-77 " "

6-15-77 Trial continued & concluded Deft Guilty on Counts 1 & 2. Counts 3 & 4
Hung Jury Pre-sentence report S ntence July 14, 1977 at 11:00 A.M.
Deft PRB \$10,000 bail continued.....BRYAN, J.

6-26-77 Filed envelope ordered sealed & impounded....BRYAN, J. (placed in
cashiers vault)

7-21-77 Filed Court's Exhibit #1 RE, Pre-sentence report of deft

7-20-77 Filed JUDGMENT & COMMITMENT Deft US Atty Thomas H. Sear & Deft's
atty Robert S. Markfield Esq. present. The deft is hereby committed
to the custody of the atty General or his authorized representative
for imprisonment for a period of SIX (6) YEARS on counts 1 & 2
to run concurrently with each other. Execution of sentence is suspended
& deft is placed on probation for FIVE YEARS....BRYAN, J. Copies issued
(COUNTS 3 & 4 REMAIN OPEN)

7-20-77 Filed notice of appeal from the Judgment of conviction entered
on the 20th day of July 1977. (Mailed notice to deft's atty &
U.S. Atty)

B

DATE	RECEIPT NUMBER	CD NUMBER	RECEIVED BY	CD NUMBER

RECORDED

Raymond F. Burchard
Clerk of the Court

0208 1

GOLDSMITH, MORRIS
a/k/a "Marlowe"

0414 / 17 0273

US TITLE SECTION
21:846
21:812, 841(a)(1)
& 841(b)(1)(B)

OFFENSES CHARGED
Consp. to violate Federal Narcotics Laws
Distr. & possess. of Heroin, I.

2-4

7/20

20,
Date
2/25/77

II. KEY DATES & INTERVALS

ARREST or

U.S. Custody Began

* 2/23/77

Summons Served

First Appearance

INDICTMENT

Information ☐

4-14-77

Indict. Waived ☐Superseding ☐Indict/Info ☐

High Risk Date

In Charging District

ARRAIGNMENT

1st Plea

4-21-77

Final Plea

Trial Set For

X NG I G ☐ NOL

G Plea

W/Drawn

LNG I G ☐ NOL

TRIAL

Ver. Dire ☐Trial Began ☐Trial Ended ☐

SENTENCE

Disposition of Charges

☐ Convicted☐ Acquitted☐ Dismissed☐ On All One☐ On Lesser Offenses☐ WOP☐ On Government MotionSearch
No. 1

DATE

INITIAL NO.

MAGISTRATE

APPEARANCE DATE 2/23/77

3/4/77

MDJ-08AB

2/23/77

MDJ-08AB

21 USC 812, 841(a)(1) and 841(b)(1)(A) - NARCOTICS

Alan Levine
791-0932Lester Rosen
140 Nassau St., N.Y.C. 10038
227-1357

-1437

RRER-01

2/23/77 Complaint filed, Legal Aid assigned. Defendant remanded into the custody of U.S. Marshal in lieu of \$20,000 PRB without security and co-signed by mother and aunt.

2/25/77 Defendant released on bail, address: 1966 Chatterton Ave., Bx., N.Y. co-signers: Thelma Routh, James F. Routh, 1966 Chatterton Ave., Bx., N.Y., George C. Henderson, Mary Henderson, 1966 Chatterton Ave., Bx., N.Y.

4/14/77 Indictment filed, 77 Cr. 273.....Lasker, J.

4-21-77 Deft. (atty. not present) Court directs entry of not guilty plea. Bail \$20,000. P.R.B. secured by \$500. continued. Case assigned to Judge Stewart for all purposes. Stewart, J.

4-22-77 Filed the following papers rec'd from Mag Jacobs (Mag # 77207) Complaint -Disposition sheet-CJA Form #23 Financial Affid- Order appointing Counsel Legal Aid Society- Notice of appearance of Lester Rosen as atty for deft. Appearance bond in the amount of \$20,000 dated 2-25-77

RECORDED

Lester Rosen
Clerk of the Court

16

A2

5-29-77 Filed affid for W/H/C ad prosequendum writ issued
 4-28-77 DEft Atty Lester Rosen Esq, present. DEft directed to Mag. office for appointment of new counsel... Stewart, J.
 5-3-77 P/T Conference held DEft with counsel Helena Richel Solleder Esq present Stewart, J.
 5-26-77 Reassigned to Judge Bryan... M/N
 5-27-77 Filed Govt's B/P
 6-1-77 Filed deft's affid & notice of motion to suppress ret 6-1-77
 6-1-77 Filed deft's Voir dire
 6-1-77 Filed deft's requests to charge
 6-2-77 Filed Govt affid in opposition to deft's motion to suppress his written statement
 6-2-77 Filed Govt's Voir Dire
 6-2-77 Filed Govt's requests to charge
 6-6-77 Hearing held & concluded. DENIEDStewart, J.
 6-7-77 Hearing continued on suppression Hearing concluded Motion denied
 TRIal Jury begun
 TRIal continued
 6-8-77 " "
 6-9-77 " "
 6-10-77 " "
 6-13-77 " "
 6-14-77 " "
 6-15-77 TRIal continued & concluded Jury verdict deft guilty on cts 1 & 2
 Cts 3 & 4 hung jury Pre-sentence report Sentence July 14, 1977 at 11:00 A.M. DEft produced on writ & writ adj to 7-13-77....BRYAN }.
 6-16-77 Filed envelope ordered sealed & impounded....BRYAN, J. (placed in cashiers vault)
 7-20-77 Filed JUDGMENT & COMMITMENT DEft & DEft's atty Helene Pichel Solleder present The deft is hereby committed to the custody of the Atty Genrelal or his authorized representative for imprisonment for a period of FOUR (4) YEARS on counts 1 & 2 to run concurrently with each other. On count 2 pursuant to the provision of Title 21, Section 841, U.S. Code. the deft is placed on SPECIAL PAROLE for a period of THREE (3) YEARS to commence upon expiration of confinement. Credit will be given for the time already spent in Federal Custody in connection with these charges....BRYAN, J.
 Copies issued (counts 3 & 4 open)

-continued-

24

U.S. DEPT. OF JUSTICE

P.T. B...

SECRET

D

FURN

DATE	PROCEEDINGS (continued)
7-20-77	Document No. Filed notice of appeal from the Judgment of conviction entered on the 20th day July 1977 (Mailed notice to deft & U.S. Atty) A TRUE COPY RAYMOND F. BURGHARDT, Clerk By: <u>[Signature]</u> Deputy Clerk

AO 756A

Interval
(per Section 11)

Start Date	End Date	Ltr. T Code
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RECEIVED
SECOND URGENT

Raymond F. Burghardt
Clerk of the Court

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

x 77 CRIM. 2

UNITED STATES OF AMERICA

- v -

NANCY REED and MORRIS GOLDSMITH,
a/k/a "Marlowe",

Defendants.

INDICTMENT

77 Cr.

APR 14 1977

S. D. C. N. Y.

The Grand Jury charges:

1. From on or about the 1st day of August, 1976, and continuously thereafter up to and including the date of the filing of this indictment, in the Southern District of New York, NANCY REED and MORRIS GOLDSMITH, a/k/a "Marlowe", the defendants and others to the Grand Jury unknown, unlawfully, intentionally and knowingly combined, conspired, confederated and agreed together and with each other to violate Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

2. It was part of said conspiracy that the said defendants unlawfully, intentionally and knowingly would distribute and possess with intent to distribute Schedule I narcotic drug controlled substances the exact amount thereof being to the Grand Jury unknown in violation of Sections 812, 841(a)(1) and 841(b)(1)(A) of Title 21, United States Code.

MICROFILM

APR 15 1977

OVERT ACTS

In pursuance of the said conspiracy and to effect the objects thereof, the following overt acts were committed in the Southern District of New York:

1. On or about September 10, 1976, MORRIS GOLDSMITH, a/k/a "Marlowe", the defendant, had a conversation with another individual in the vicinity of 1380 University Avenue, Bronx, New York concerning the sale of heroin.

2. On or about September 10, 1976, NANCY REED, the defendant, delivered approximately 1/8 kilogram of heroin to another individual in the vicinity of 1380 University Avenue, Bronx, New York.

3. On or about September 23, 1976, MORRIS GOLDSMITH, a/k/a "Marlowe", and NANCY REED, had a conversation with another individual in the vicinity of the New Bridge Bar, University Avenue and Featherbed Lane, Bronx, New York concerning the sale of 1/8 kilogram of heroin.

4. On or about September 23, 1976, NANCY REED, the defendant, delivered approximately 1/8 kilogram of heroin to another individual in the vicinity of the New Bridge Bar, University Avenue and Featherbed Lane, Bronx, New York.

5. On or about September 30, 1976, NANCY REED, the defendant, received approximately \$6,500 from another individual in the New Bridge Bar, University Avenue and Featherbed Lane, Bronx, New York.

6. On or about September 30, 1976, MORRIS GOLDSMITH, a/k/a "Marlowe", the defendant, delivered approximately 1/8 kilogram of heroin to another individual in the vicinity of University Avenue and Featherbed Lane, Bronx, New York.

7. On or about September 9, 1976, NANCY REED, the defendant, delivered a sample of heroin to another individual in the vicinity of 1380 University Avenue, New York, New York.
(Title 21, United States Code, Section 846.)

COUNT TWO

The Grand Jury further charges:

On or about the 10th day of September, 1976, in the Southern District of New York, NANCY REED and MORRIS GOLDSMITH, a/k/a "Marlowe", the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I controlled substance, to wit, approximately 122.65 grams of heroin hydrochloride.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B).)

COUNT THREE

The Grand Jury further charges:

On or about the 23rd day of September, 1976, in the Southern District of New York, NANCY REED and MORRIS GOLDSMITH, a/k/a "Marlowe", the defendants, unlawfully, wilfully and knowingly did distribute and possess with intent to distribute a Schedule I controlled substance, to wit, approximately 95.34 grams of heroin hydrochloride.

(Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(B).)

COUNT FOUR

The Grand Jury further charges:

On or about the 30th day of September, 1976,
in the Southern District of New York, NANCY REED and
MORRIS GOLDSMITH, a/k/a "Marlowe", the defendants, un-
lawfully, wilfully and knowingly did distribute and
possess with intent to distribute a Schedule I contro-
led substance, to wit, approximately 125.18 grams of
heroin hydrochloride.

(Title 21, United States Code, Sections 812,
841(a)(1) and 841(b)(1)(B).)

Leo Agostini
FOREMAN

Robert B. Fiske Jr.
ROBERT B. FISKE, JR.
United States Attorney

A TRUE COPY
RAYMOND F. BURGHANDT, Clerk

By [Signature]
Deputy Clerk

CHARGE OF THE COURT

THE COURT: Ladies and gentlemen of the jury:

You have given close and careful attention to this case throughout and you have been most conscientious about your duties. The Court appreciates your careful attention and consideration. I know that you will pay close attention to what I'm about to say to you and that you will show the same care and consideration throughout your deliberations until such time as you reach a verdict.

I am about to instruct you as to the law applicable to this case. Under our system of law it is my duty as the judge presiding at this trial to instruct you as to the law that applies here, and it is your duty as jurors to follow the law as I state it to you.

On the other hand, it is your exclusive function to determine the facts in the case and to consider the evidence for that purpose. You are the sole judges of the facts. It is not what counsel on either side has said nor what I may say as to what the evidence in this case proves. It is your recollection and your judgment on the evidence that must govern.

It is for you to determine what the evidence shows; what weight is to be given to various portions of the evidence; what portion of the evidence is to be believed and

1 mc ds 79

2 what portion is to be disbelieved; what reliance is to be
3 placed on the testimony of the witnesses and what reasonable
4 inferences are to be drawn from the evidence. You will
5 resolve such conflicts as there are in the evidence so as
6 to determine for yourselves where the truth lies.

7 The verdict that you reach must be based solely
8 on the evidence given in this trial and on nothing else, and
9 in accordance with the instructions that I'm giving you now.

10 I should tell you that the fact that the govern-
11 ment is a party here entitles it to no greater considera-
12 tion than that accorded to any other party to a litigation.
13 By the same token, it is entitled to no less consideration.
14 All parties, government and individuals alike, stand equal
15 before the bar of justice here.

16 With all this in mind, let's turn to the
17 specifics of the trial before us.

18 There are four counts or charges in the indict-
19 ment which will be submitted to you for your consideration.

20 The first count charges that Miss Nancy Reed and
21 Mr. Morris Goldsmith knowingly and intentionally conspired
22 between themselves and with others to violate the federal
23 narcotics laws by distributing and possessing with intent to
24 distribute the drug heroin.

25 The second count charges Reed and Goldsmith

1 with knowingly and wilfully distributing and possessing with
2 intent to distribute heroin on or about September 10, 1976.
3

4 The third count charges the defendants with
5 knowingly and wilfully distributing and possessing with in-
6 tent to distribute heroin on or about September 23, 1976,
7 and the fourth and last count charges them with knowingly
8 and wilfully distributing and possessing with intent to
9 distribute heroin on or about September 30, 1976.

10 The second, third and fourth counts deal with the
11 three specific transactions that were testified to that
12 occurred September 10, September 23 and September 30 respec-
13 tively.

14 Both the defendants have pleaded not guilty to
15 all of the charges against them.

16 During the course of the trial there was evi-
17 dence indicating that several persons other than the defend-
18 ants now on trial were involved in one way or another with
19 the activities which are the subject of the indictment here.
20 I charge you that the fact that these other people are not
21 now on trial before you have no significance whatsoever and
22 is to play no role in your deliberations. We are concerned
23 here only with whether the defendants now on trial are
24 guilty or not guilty of the charges against them.

25 Before I discuss the rules of law applicable

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2 to the crimes charged in the indictment, I want to talk with
3 you a little about the effect you are to give to the indict-
4 ment and the general rules you are to follow in considering
5 and weighing the evidence.

6 The indictment that I have just referred to is
7 nothing but a written accusation. It is only a means of
8 bringing the defendants before the Court, and is not in itself
9 any evidence whatsoever of guilt. The fact that the defend-
10 ants are the subject of this indictment and on trial should
11 not be taken against them in any way. The defendants are
12 presumed to be innocent, and this presumption has the weight
13 and effect of evidence on their behalf. This presumption of
14 innocence continues in a defendant's favor throughout the
15 trial and even during your deliberations in the jury room,
16 and it is overcome only if and when, in your view, the guilt
17 of a defendant is established beyond a reasonable doubt.

18 A defendant does not have to prove himself or
19 herself innocent of the charge. If the defendant so wishes,
20 he or she may rest at the close of the government's case
21 and is not required to produce any evidence on his own
22 behalf and, of course, a defendant may rely upon evidence
23 brought out on cross-examination of the prosecution's
24 witnesses. The burden of proof is on the prosecution to
25 establish the guilt of each of the defendants beyond a

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reasonable doubt as to each charge. This burden on the prosecution applies to each element of each of the crimes charged in the indictment. The burden never shifts to a defendant to prove himself or herself innocent. A defendant, I repeat, is not required to call any witnesses or submit any proof of his or her innocence, though, of course, he is entitled to do so.

The prosecution's burden is not met unless and until the proof offered and all the evidence in the case convince you beyond a reasonable doubt of a particular defendant's guilt as to the charge that you are considering.

What is a reasonable doubt? The words really almost define themselves. A reasonable doubt is a doubt founded on reason arising from the evidence or the lack of evidence in the case. Reasonable doubt means a doubt which a reasonable man or a reasonable woman has after carefully weighing all the evidence. It is a doubt that appeals to your reason, your judgment, your common sense and understanding. It does not mean a doubt that is capricious or imaginary or speculative. Neither does it mean a doubt born of a reluctance on the part of a juror to perform an unpleasant duty or a doubt arising out of anything other than a candid, objective consideration of all the evidence.

Nor does proof beyond a reasonable doubt mean

1 mcds 83

2 proof to a positive certainty or proof beyond all possible
3 doubt. You should carefully review, weigh, analyze, compare
4 and discuss all of the evidence in the case. If a fair
5 and impartial consideration of all the evidence in the case
6 produces a settled and firm belief in your minds of a defend-
7 ant's guilt as to a particular charge such as would induce
8 a prudent person to act without hesitation in weighty and
9 important matters concerning his or her own affairs, then
10 you may say that you have no reasonable doubt, and you may
11 find that defendant guilty.

12 In other words, proof beyond a reasonable doubt
13 must be proof of the evidence of such a convincing character
14 that a prudent person would not hesitate to rely on it in
15 acting on important affairs of his own or her own.

16 On the other hand, if after a fair and impartial
17 consideration of all the evidence you find that you have a
18 doubt such as would cause a prudent person to hesitate be-
19 fore acting in matters of importance to himself or herself,
20 then you have a reasonable doubt and you must return a verdict
21 of not guilty as to the defendant whose charge you are then
22 considering.

23 I might add, in this connection, that it is
24 your duty to give separate and independent consideration to
25 the case of each individual defendant. You must analyze what

1 mcds 84

2 the evidence shows or fails to show with respect to that
3 person, leaving out of consideration entirely any evidence
4 admitted solely against some other defendant, and reach your
5 determination solely on the evidence which must be applicable
6 to the person whose guilt you are considering at the time.

7 Bear in mind, ladies and gentlemen, that guilt
8 is a personal thing, and that each defendant has the right
9 to the same consideration on your part as if he or she were
10 being tried alone.

11 With these general principles in mind, let us
12 turn to the specifics of this case.

13 As I have told you, the indictment charges in
14 Count 1 both defendants with the crime of unlawfully, inten-
15 tionally and knowingly conspiring with themselves and others
16 to violate the narcotics laws of the United States which
17 make it a crime to distribute or possess heroin with intent
18 to distribute.

19 Counts 2, 3 and 4 charge both defendants with
20 unlawfully, wilfully and knowingly distributing and possessing
21 heroin with intent to distribute it on three separate
22 occasions.

23 I am going to discuss the elements of each of
24 those separate charges with you. The government must prove
25 each element of any given charge beyond a reasonable doubt in

1 mcds 85

2 order for you to convict a defendant on that charge.

3 I am first going to talk about the conspiracy
4 charge. The law with respect to conspiracy is by no means
5 uncomplicated. I am going to try to make this as clear for
6 you as I possibly can.

7 In order to establish the crime of conspiracy
8 against a defendant here, the evidence must show beyond a
9 reasonable doubt as to him or her, one, that the conspiracy
10 charged was formed or existed sometime between August 1,
11 1976 and February 23, 1977, when they were arrested.

12 Second, that it was the purpose of this con-
13 spiracy to distribute or possess with intent to distribute
14 the drug heroin; third, the particular defendant you are
15 considering knowingly and intentionally became a member of
16 the conspiracy with knowledge of its unlawful purposes and
17 with the intent of furthering its criminal objectives; and,
18 four, that at least one of the persons who engaged in the
19 conspiracy knowingly committed at least one of the so-called
20 overt acts charged in the indictment at or about the time
21 or place alleged and committed such overt act in furtherance
22 of some purpose or objective of the conspiracy. I shall go
23 through the four elements of the first count, explaining
24 each one. The first element of the conspiracy is, naturally
25 enough, the existence of the conspiracy.

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What is a conspiracy? A conspiracy is simply a combination or agreement by two or more persons, or concerted action by two or more persons, to accomplish a criminal or unlawful purpose. In this case the criminal purpose charged is that of distributing or possessing with intent to distribute heroin.

The gist of the conspiracy is an unlawful agreement or combination to violate the law. It is really a partnership, speaking loosely, a partnership for criminal purposes, a partnership in crime.

This element is established if two or more persons in any manner -- directly, impliedly or tacitly -- came to a common understanding to accomplish the unlawful design or objective of the conspiracy, in this case to violate the federal narcotic laws.

As to this first element of the offense, to determine whether a conspiracy exists, you may piece together all the evidence relating to each alleged co-conspirator and determine, looking at the whole or composite picture, whether the acts, conduct and statements of the alleged co-conspirators and the reasonable inferences to be drawn therefrom establish beyond a reasonable doubt that there was a conspiracy.

Now, it should be obvious that people generally don't sit around a table and sign an agreement before a

1 notary public, let us say, to engage in a conspiracy; nor
2 do they make such agreements in full view of a multitude of
3 witnesses.
4

5 It is not required that a conspiracy be estab-
6 lished by direct evidence. What you must do is to consider
7 and weigh all the facts and circumstances and the reasonable
8 inference to be drawn therefrom and determine for yourselves
9 whether you are satisfied beyond a reasonable doubt that an
10 agreement to violate the law, as alleged, did, in fact, exist.
11 It is sufficient to establish a conspiracy if from the proof
12 of all the relevant facts and circumstances you find beyond
13 a reasonable doubt that sometime between August 1, 1976
14 and February 23, 1977 the minds of at least two of the
15 alleged co-conspirators met in an understanding so as to bring
16 about a deliberate agreement to do the acts charged.

17 You should bear in mind that an unlawful con-
18 spiracy may exist even though its purposes are not accomp-
19 lished and despite the fact that it is not ultimately
20 successful.

21 The second element the prosecution must estab-
22 lish beyond a reasonable doubt is that the object of the
23 conspiracy was to distribute heroin or to possess heroin
24 with intent to distribute. You may not find the defendant
25 whose case you are considering guilty unless you are

1 mcds 88

2 satisfied that the prosecution has established beyond a
3 reasonable doubt that this was the purpose of the conspiracy.

4 The third element that must be proved beyond
5 a reasonable doubt as to each of the defendants; Nancy Reed
6 or Morris Goldsmith, is that the particular defendant whom
7 you are considering became a member of the conspiracy,
8 charged and participated in it with knowledge of its unlaw-
9 ful purposes, and had a personal stake or interest in
10 effectuating or carrying out those purposes. The essence
11 of this third element is whether a defendant knowingly be-
12 came a member of the conspiracy which the government claims
13 existed, that is to say, associated himself with a common
14 plan, knowing that its central purpose was the distribution
15 of narcotics or possession of narcotics with intent to
16 distribute, and intending to aid in bringing about the
17 success of that plan.

18 To become a member of the conspiracy a defendant
19 need not know each and every member of the conspiracy, nor
20 all the details of the conspiracy. What you are required
21 to find in order to convict is that there is proof beyond
22 a reasonable doubt as to the defendant you are considering
23 that that defendant joined the conspiracy wilfully and
24 knowingly.

25 Some conspirators play major roles in a

mcds 89

1 conspiracy while others play minor roles. The guilt of a
2 conspirator is not governed by the extent or duration of
3 his participation or whether he played a greater or lesser
4 role in the conspiracy, nor is it required that a person
5 be a member of the conspiracy from its very start. Even
6 if one joined the conspiracy after it was formed and was
7 engaged in it to a degree more limited than his other co-
8 conspirators, that person is equally culpable so long as he
9 was a co-conspirator, that is to say, joined the conspiracy
10 and actually participated in it.
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14 (Continued on next page)
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2 Thus as to each defendant you must determine
3 separately whether or not he or she joined the conspiracy
4 unlawfully, knowingly and intentionally. This determination
5 must be made solely on the basis of the particular defend-
6 ant's own actions, conduct, statements and declarations,
7 and his or her own connection with the acts and conduct
8 of the other co-conspirators.

9 Now, turning to the term "unlawfully" that
10 I just used, unlawfully means contrary to law.

11 One acts knowingly if he acts voluntarily and
12 purposely and not because of mistake, accident, mere negli-
13 gence, or other innocent reason. An act is intentional or
14 willful if it is done knowingly and deliberately, purposely
15 and with the specific intent to do the act.

16 Questions of a defendant's knowledge and his
17 willful intent to violate the law are questions of fact
18 to be determined by you, just like any other question of
19 fact to be decided in this case. However, unlike most
20 questions of fact, intent and knowledge involve what is going
21 on in a person's mind or the purpose which motivates him
22 or her in a given course of conduct. We have not yet
23 devised an instrument or device to record what goes on in
24 a man's mind, and I frankly hope, ladies and gentlemen,
25 that we never will.

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Rarely is direct proof available that a man has knowledge of a particular fact or has a particular purpose or intent in mind when he does an act. On rare occasions a man may write a letter or make an oral or written statement showing he has a particular purpose or intention. This, however, plainly is the exception rather than the rule. Thus direct proof of knowledge of illegal purposes or of intent to participate in acts in violation of the law or to bring about an unlawful result is not necessary. Knowledge or intent may be established by circumstantial evidence and determined from acts and conduct and all the surrounding circumstances and the natural inferences to be drawn therefrom. I will have more to say about circumstantial evidence a little later.

It must be remembered, ladies and gentlemen, that mere association standing by itself is not a sufficient basis for finding that a defendant participated in a conspiracy. You may not find a defendant guilty merely because he associated with someone else or a group of persons who happened to be committing the crime charged. The doctrine of guilt by association has no sanction at all in our law. Nor is it sufficient for the prosecution to establish that someone else committed a crime, that the defendant knew that the others were acting in furtherance of the criminal

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2 purpose or even that the defendant engaged in some other
3 unrelated criminal conduct. The question, ladies and gentle-
4 men, comes down to what I have just told you: Did the
5 defendant you are considering wilfully join a conspiracy
6 which had been formed with knowledge of its unlawful pur-
7 poses and help to carry it forward? Did he act with the
8 knowledge that his acts were an integral part of the unlaw-
9 ful enterprise in which he was wilfully participating?

10 The fourth element of the offense of conspiracy
11 which must be proved beyond a reasonable doubt is that,
12 after the conspiracy had been formed, any member of the
13 conspiracy knowingly committed one of the overt acts charged
14 in the indictment at or about the time and place alleged,
15 and that the act was committed in furtherance of the con-
16 spiracy and to effectuate its object, roles or purposes.

17 You only reach this element if you have found
18 beyond a reasonable doubt that there was a conspiracy which
19 existed during the period in question, and that the parti-
20 cular defendant whom you are considering joined it with
21 knowledge of its unlawful purposes and in furtherance of
22 its unlawful objectives.

23 Now, the seven overt acts charged in the indict-
24 ment are as follows:

25 "1. On or about September 10, 1976, Morris

2 Goldsmith, also known as 'Marlowe', the defendant, had a
3 conversation with another individual in the vicinity of
4 1380 University Avenue, Bronx, New York, concerning the
5 sale of heroin.

6 "2. On or about September 10, 1976, Nancy Reed,
7 the defendant, delivered approximately one-eighth kilogram
8 of heroin to another individual in the vicinity of 1380
9 University Avenue, Bronx, New York.

10 "3. On or about September 23, 1976, Morris
11 Goldsmith, also known as 'Marlowe,' and Nancy Reed had a
12 conversation with another individual in the vicinity of
13 the New Bridge Bar, University Avenue and Featherbed Lane,
14 Bronx, New York, concerning the sale of one-eighth kilogram
15 of heroin.

16 "4. On or about September 23, 1976, Nancy Reed,
17 the defendant, delivered approximately one-eighth kilogram
18 of heroin to another individual in the vicinity of the New
19 Bridge Bar, University Avenue and Featherbed Lane, Bronx,
20 New York.

21 "5. On or about September 30, 1976, Nancy Reed,
22 the defendant, received approximately \$6,500 from another
23 individual in the New Bridge Bar, University Avenue and
24 Featherbed Lane, Bronx, New York.

25 "6. On or about September 30, 1976, Morris

Goldsmith, also known as 'Marlowe', the defendant, delivered

approximately one-eighth kilogram of heroin to another,

individual in the vicinity of University Avenue and Feather-

bed Lane, Bronx, New York.

"7. On or about December 6, 1976, Nancy Reed,

the defendant, delivered a sample of heroin to another

individual in the vicinity of 1380 University Avenue,

Bronx, New York."

The overt act required does not have to be a

criminal act or an act which, of itself, constitutes an

objective of the conspiracy. The overt act may be innocent

on its face, but it must be of such character that it furthers

promotes or aids and assists in accomplishing the purpose of

the conspiracy.

It is not necessary for you to find that all

of the alleged overt acts charged in the indictment were

committed. Nor is it necessary that either or both of the

defendants committed any particular overt act. It is enough

that you find that at least one of the overt acts charged

was committed by a conspirator and that it was in further-

ance of the conspiracy.

One further point with respect to conspiracy

before I leave that rather complicated subject. People

entering into a conspiracy to accomplish an unlawful end

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2 become agents for one another in carrying out the conspir-
3 acy. The acts and declarations of one conspirator in the
4 course of a conspiracy and in furtherance of the common
5 purpose are deemed to be the acts of all who join that
6 conspiracy and all are responsible for such acts, but such
7 acts and declarations can only be so considered against a
8 defendant after you find that he joined the conspiracy and
9 participated in the conspiracy.

10 It is important also to note that this principle
11 applies only to the acts and declarations done or made by
12 co-conspirators during the continuance of the conspiracy
13 in furtherance of its unlawful purpose.

14 Thus I instruct you that under no circumstances
15 may any statements made by Reed or Goldsmith subsequent to
16 her or his arrest be considered against the defendant who
17 did not make this statement. It is for you, the jury,
18 to consider such statements and give them such weight as
19 you believe they deserve after considering all the circum-
20 stances surrounding them which were brought out by both
21 sides. But remember that they can only be considered when
22 you evaluate the case of the defendant who made them, and
23 must not be attributed to the other defendant in any manner.

24 We now turn to the substantive counts. Let me
25 turn to these other counts, the counts which charge the

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2 defendants with violating a section of the United States
3 Code which makes it a crime for anyone unlawfully, will-
4 fully and knowingly to distribute heroin or to possess
5 heroin with the intent to distribute.

6 Before you can find either defendant guilty on
7 any of the counts two through four, that is, 2, 3 and 4 --
8 you must be convinced that each of the following three
9 elements of the crime have been proved by the Government
10 beyond a reasonable doubt as to the particular defendant
11 you are considering.

12 First, that the substance which the particular
13 defendant was charged with having distributed or possessed
14 with intent to distribute on the particular occasion,
15 September 10, 1976 on count two; September 23, 1976 on
16 count three; and September 30, 1976 on count three; and
17 September 30, 1976 on count four, is in fact the narcotic
18 drug controlled substance called heroin.

19 I don't think that is going to cause much
20 difficulty here. There is the stipulation to the chemist's
21 report. It is here. You can take it into account.

22 Second, that on the occasion in question the
23 particular defendant either distributed or possessed with
24 intent to distribute the drug heroin.

25 Third, that on the occasion in question the

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2 particular defendant acted unlawfully, wilfully and know-
3 ingly.

4 As to the first element, I don't think we have
5 to go into that very much. Heroin is considered a narcotic
6 drug, which comes within the framework of the law. You
7 must find, however, beyond a reasonable doubt as part of
8 your finding that the substance which the defendants are
9 charged with distributing and possessing, Government
10 Exhibits 2 on Count 2; 3 on Count 3; and 4 on Count 4 were
11 in fact heroin hydrochloride, the drug heroin.

12 I have already discussed stipulations that were
13 entered into regarding the testing of those drugs and the
14 stipulation that the government chemist would have testified
15 that in those exhibits there was in fact heroin at the time.

16 The second element which must be proved beyond
17 a reasonable doubt is that the particular defendant you
18 are considering did in fact distribute or possess with
19 intent to distribute heroin on the occasion in question.
20 The legal definition of three words, distribution, possession
21 and intent, must guide you in your consideration of this
22 second element.

23 Under the Federal Narcotics Laws, the word
24 "distribute" means to deliver a controlled substance, that
25 is, a drug. The word "deliver" in turn is defined as the

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2 actual, constructive, or attempted transfer of the drug.
3 The Government contends that the transfers alleged here
4 consisted of sales of heroin in exchange for money.

5 A person who knowingly has actual physical
6 custody or control over an object at a given time, for
7 example, by having it on his person, is in actual possession
8 of the object. In addition, one who does not have actual
9 physical custody of an object may constructively possess
10 it if he exercises dominion or control over the object,
11 either by himself or jointly with another.

12 Finally, the word "intent" or "intentionally"
13 refers to a person's state of mind. Thus the phrase "possess
14 with intent to distribute" may fairly be stated to mean to
15 have custody or control of an item with the state of mind
16 or purpose of transferring it or delivering it.

17 The final element which must be proved beyond
18 a reasonable doubt on each of these counts, which are called
19 the substantive counts, dealing with the transactions of
20 September 10, September 23 and September 30, 1976 is that
21 the particular defendant unlawfully, wilfully and knowingly
22 distributed or possessed with intent to distribute heroin
23 at that time.

24 What I said about these terms when outlining
25 the elements of the conspiracy applies as well here. One

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2 acts unlawfully if he does something contrary to law. One
3 acts knowingly if he acts purposely and not because of a
4 mistake, accident, mere negligence or other innocent reason.
5 An act is willful or intentional if it is done knowingly,
6 voluntarily and deliberately with the specific intent to
7 do it.

8 One further word on the matter of intent. You
9 have heard the testimony to the effect that Nancy Reed
10 stated that she performed acts similar to those charged
11 in the indictment, namely, arranging sales of narcotics
12 by Paul Levy to her cousin P.T. That evidence was admitted
13 solely against Nancy Reed and may only be considered as you
14 evaluate the case against her. It has nothing to do with
15 the defendant Morris Goldsmith and the case against him.

16 While Miss Reed is not on trial for these acts
17 referred to, if you find that she actually engaged in other
18 transactions similar to those charged in the indictment,
19 you may consider those acts in determining whether she
20 acted with guilty knowledge or unlawful intent on the
21 charges presently before you.

22 So then, let me also remind you that the copies
23 of Miss Reed's address books, Government Exhibits 6 and 7,
24 were also admitted solely against her for whatever they
25 may be worth and are in no way binding nor may they be

2 considered against Morris Goldsmith.

3 If you find that the Government has failed to
4 establish any of the essential elements of any of the three
5 charges, that is, the so-called substantive charges, counts
6 2, 3 and 4 of the indictment, that the Government has failed
7 to establish any of the essential elements or any such
8 charge, you must find that defendant not guilty on that
9 charge.

10 Now, so much for that, but we have got one
11 other element here which rather complicates the case,
12 complicates it perhaps a little further. If as to any of
13 the counts you are satisfied beyond a reasonable doubt
14 that all of the elements of the crime charged in that count
15 have been established by the Government beyond a reasonable
16 doubt, then you must go on to consider the defense of
17 entrapment which has been raised by both defendants.
18 This is a crucial issue in the case and I'm going to go
19 into it a little bit now.

20 What is the nature of the defense of entrapment
21 which Reed and Goldsmith raise here? I'll try to explain
22 to you the special legal meaning the term "entrapment"
23 carries.

24 The function of law enforcement is the preven-
25 tion of crime and the apprehension of criminals. When law

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enforcement officers are dealing with criminal activity

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stealth and strategy are often necessary weapons. However,

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it is not the duty of law enforcement officers to incite and

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to create crime for the purpose of prosecuting and punishing

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it. Nor is it their function to originate criminal designs

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and by allurement cause innocent persons to commit them so

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that arrests can be made.

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It is important that a distinction be drawn

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between the enticement by enforcement officials of the

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unwary, innocent person and the trap laid for one who has

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the predisposition to commit a crime, that is, the unwary

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criminal. If government officers implanted the idea of

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committing a crime in the mind of an innocent person who

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had no predisposition or intention to commit such an act

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and actually induced him to commit it, so that they can

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then prosecute, the law considers the accused to have been

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entrapped and he cannot be found guilty of the crime he

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or she was so lured or induced to commit.

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To put it another way, you may not find a

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defendant guilty of a crime if you find that the crime was

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solely the product of a creative plan or activity of the

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Government designed to lure the defendant into a trap by

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its commission.

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This is what the defendants, Reed and Goldsmith,

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are claiming here:

There are two elements of the defense of entrapment which you've got to consider. The first is whether Al McCray, the government informer, who you may consider for all practical purposes a government agent in this case, because he was acting in behalf of the Government, by solicitation, encouragement and persuasion induced Nancy Reed or Morris Goldsmith, the defendants, to commit any of the offenses charged in the indictment.

There is "inducement" when law enforcement officers or, in this case, their informant McCray implant in a person's mind the idea of committing the particular crime with which he is being charged or, to put it another way, when law enforcement officers or their informants, rather than the defendants, propose or originate the design of committing the crime. If the genesis of the crime lies in the creative activity of government agents, it is the agents who are the initiators of the defendant's criminal act in the sense of having induced or lured the defendant to do what he would otherwise not have thought of or had any intention of doing had there been no such ideas implanted in his mind by the agents.

Thus, in considering the defense of entrapment, you must first consider all the evidence and determine whether

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2 or not there is some evidence that Reed or Goldsmith was
3 lured or induced.

4 If you find such inducement, you then must go
5 on to consider a second question , namely, whether or not
6 the Government has established beyond a reasonable doubt
7 that Reed or Goldsmith, prior to such inducement, was ready
8 and willing to commit the offenses charged, and was merely
9 awaiting an opportunity to do so. Or, to put it another
10 way, that he or she had a predisposition to commit these
11 offenses.

12 The Government may prove predisposition or
13 propensity by showing a defendant is engaged in an existing
14 course of criminal conduct similar to the crime for which
15 he or she is presently charged.

16 Let me remind you that the Government offered
17 proof of this nature -- and what weight it should be given
18 is for you to decide -- solely against Nancy Reed and not
19 against Morris Goldsmith.

20 Alternatively, however, the Government may show
21 propensity by demonstrating a defendant's willingness to
22 commit the crime with which he is charged, as evidenced
23 by his ready response to the inducement. Needless to say,
24 you may look at all of a defendant's actions subsequent to
25 an inducement when you consider the readiness of his

2 response and determine his initial willingness to commit
3 the offense.

4 If you conclude that McCray induced, lured,
5 implanted or originated the design or idea in the mind of a
6 defendant as alleged in order to entrap, arrest and prose-
7 cute him for that act, you can convict only if you also
8 find beyond a reasonable doubt that the defendant, prior
9 to such inducement, had a predisposition to commit the
10 alleged offenses. Unless the Government has met its burden
11 of proving predisposition beyond a reasonable doubt, you
12 must acquit.

13 On the other hand if, having concluded that
14 the defendant was induced or lured, you also find that the
15 Government has proven beyond a reasonable doubt that a
16 defendant prior to the inducement or at the time of the
17 inducement was ready and willing to break the law and that
18 the informant, McCray, only afforded him opportunities or
19 facilities for the commission of acts which he was already
20 disposed to commit -- then that defendant was not entrapped.
21 The mere fact that law enforcement officers provide an
22 opportunity for one who is ready and willing to break the
23 law is no defense at all.

24 It must be remembered that the defendant is
25 under no obligation to prove lack of predisposition to commit

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2 the acts charged. To the contrary, it is the Government's
3 burden to prove predisposition beyond a reasonable doubt,
4 or if some evidence of inducement has been shown.

5 This has been a relatively short case, though
6 not an uncomplicated one by any manner or means. Counsel
7 for both sides have reviewed the evidence quite thoroughly
8 for you in their summations. I am not going to go over
9 the evidence again with you. I do, however, want to outline
10 the contentions of the Government, on the one hand, and
11 the defendants' on the other, as to the facts.

12 (Continued on next page.)
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2 As you know, the Government maintains that
3 Nancy Reed and Morris Goldsmith engaged in a conspiracy
4 to distribute and possess with intention to distribute the
5 narcotic drug known as heroin and on three separate occa-
6 sions they actually did distribute heroin by selling to
7 a Drug Enforcement Administration agent, Agent Hammonds.

8 Thus the Government contends that the evidence
9 before you establishes that in late August or early Septem-
10 ber, 1976, Nancy Reed and Morris Goldsmith were contacted
11 by an informer for the Government, one Al McCray, about
12 selling heroin and that later they had a meeting with him
13 and with Agent Rabb in which narcotics were mentioned. A
14 short while later, on September 9, 1976, Agent Hammonds
15 received a sample of heroin from the informer, McCray.
16 Later that same night, September 10, 1976, Hammonds and
17 McCray met with Nancy Reed and Morris Goldsmith. The
18 Government contends that they were engaged in a transaction
19 whereby an eighth kilo of heroin was sold to Hammonds by
20 Reed and Goldsmith, who were paid \$6,500 therefor.

21 Thereafter, on September 23, 1976, the Govern-
22 ment contends there was a similar meeting at which another
23 one-eighth kilo of heroin was sold by Reed and Goldsmith
24 for \$6,300, and again on September 29, 1976 the Government
25 claims that Hammonds and McCray met with Reed and Goldsmith

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2 and that night, at midnight, another one-eighth of a kilo
3 of heroin was sold to Hammonds by Reed and Goldsmith for
4 \$6,500, and then the Government also contends that the
5 evidence establishes that subsequent to these three trans-
6 actions negotiations for further heroin transactions with
7 Hammonds were engaged in principally with Reed, but to
8 some extent by Goldsmith.

9 After further communications and meetings,
10 this culminated in a proposed transaction which never came
11 off for further purchase of a kilogram of heroin to be
12 obtained by Reed from a man named Paul Levy in New Jersey
13 for the sum of \$100,000, and also negotiations for a pound
14 of heroin to be obtained from another source for \$36,000.

15 The Government contends further that after
16 the two defendants were arrested on February 23, 1977
17 they admitted engaging in drug transactions with Agent
18 Hammonds. Thus, the Government charges, as I have indi-
19 cated, first the conspiracy to sell heroin between Reed,
20 Goldsmith and others, and then that on three separate
21 occasions Reed and Goldsmith engaged in actual transac-
22 tions in which one-eighth of a kilo of heroin was sold to
23 Agent Hammonds.

24 As I have indicated to you, the conspiracy
25 charge is contained in count one of the indictment and

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2 the three actual sales are charged in counts two, three
3 and four of the indictment.

4 Now, the defendant Nancy Reed does not deny
5 that she engaged in the narcotics transactions with which
6 she is charged. She contends, however, that she was en-
7 trapped into so doing by the informer Al McCray, acting
8 on behalf of the Government, and at best she cannot be
9 found guilty of the charges against her. She claims that
10 McCray induced her to engage in the conspiracy and heroin
11 transactions with which she is charged and that she would
12 not have engaged in such transactions if she had not been
13 induced to do so by McCray. She claims that she was an
14 innocent person who had no predisposition to break the law
15 and that she was not ready and willing to do so. In that
16 state of mind, she contends that she committed the crimes
17 charged only because McCray induced her to do so.

18 Morris Goldsmith contends that he did not actively
19 engage in the narcotics conspiracy and heroin transactions
20 with which he is charged. He also contends, like Nancy Reed,
21 that he was an innocent person who had no predisposition to
22 commit these crimes and that whatever he did was solely
23 because he was induced to do so by McCray.

24 Those really are the contentions of the parties.

25 Now, I want to talk to you briefly about the

2 credibility of witnesses because, plainly, questions of credi-
3 bility are of particular importance in this case. Questions
4 of a witness's credibility are exclusively for you to pass
5 upon, and it is up to you, the jury, to determine what parts
6 of the evidence you believe or what parts of the evidence
7 you disbelieve and reject.

8 Credibility is just another word for believability.
9 The appraisal of the credibility to be given to the testimony
10 of a witness is very much governed by your own everyday common
11 sense.

12 People in your daily lives may tell you things
13 which may or may not influence the important decisions which
14 you make. You consider whether these people had the capacity
15 and the opportunity to observe or be familiar with and to
16 remember and accurately report things they tell you. You
17 consider any possible interest they may have in the results
18 to be obtained, any bias or prejudice they may have; any
19 motive they may have to testify falsely. You consider a
20 person's character, whether he or she is believable or not.
21 You consider his or her demeanor. You decide whether or not
22 he or she strikes you as fair or candid, and then you con-
23 sider the inherent believability of what he or she says,
24 and whether it accords with your own knowledge and experience.

25 It is the same thing with the witnesses. You

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1 watch them on the stand as they testify. You ask yourselves
2 whether they know what they are talking about and are fairly
3 reporting it. You evaluate their truthfulness; you take
4 into account the extent to which they may have been impeached
5 as witnesses, either generally or specifically, and whether
6 they have made any statements inconsistent with or contra-
7 dictory to the testimony they gave on the witness stand.
8 You take into account their motive, if they have any, to
9 testify falsely. In other words, what you do is to size a
10 person up and determine whether he is truthful, candid, or
11 straightforward, and whether you think you should believe
12 his testimony.
13

14 You may disregard all the testimony of a witness
15 if you don't believe it, or you may accept such part of it as
16 you believe and find reliable and disregard the rest.

17 Now, the defendant Morris Goldsmith didn't take
18 the stand in this case. The Constitution and the laws of
19 the United States provide that in any trial of a criminal
20 charge a defendant is under no obligation to testify or,
21 indeed, to come forward with any evidence, because the burden
22 of proving a violation of law is solely and exclusively on
23 the prosecution, the Government. I therefore charge you that
24 you may not consider in any way the fact that the defendant
25 has chosen not to testify in this case. That is his right

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2 under the law, and you are not permitted to speculate upon
3 the reasons why he did not testify, nor may you draw any
4 inference of any kind from his decision not to take the
5 stand. His decision is a choice shared by every defendant
6 in a criminal trial in this country and may in no way be used
7 against him as a substitute for or as a supplement to the
8 evidence before you.

9 However, in this case the defendant Nancy Reed
10 did take the stand, although she had an absolute right not to
11 do so. The testimony of Miss Reed is therefore before you.
12 You must determine how far it is credible. The fact that
13 Miss Reed is a defendant here, of course, means she is highly
14 interested in the outcome of this case. That fact may be
15 considered by you in determining the credibility to be given
16 her testimony. That doesn't mean that a person with an inter-
17 est will necessarily testify falsely. It is for you to deter-
18 mine whether the interest of the defendant has in the outcome
19 of this case affected her testimony and to what extent.

20 You may recall that the defendant Nancy Reed pre-
21 sented evidence of her good reputation through the testimony
22 of her coworker, Helena Allen. You may consider that evidence
23 of good reputation in conjunction with all the evidence before
24 you.

25 Evidence of good character may in itself create a

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2 reasonable doubt in certain cases where without such evi-
3 dence no reasonable doubt would have existed. However, you
4 are under no obligation to acquit a defendant merely on the
5 basis of some evidence of good reputation. You must weigh
6 all the evidence, including that relating to character or
7 reputation, in reaching your verdict.

8 You also heard testimony from various government
9 agents. The mere fact that these witnesses are government
10 agents does not entitle their testimony to any greater
11 credence than that of any other witness who has appeared
12 before you, nor does it entitle their testimony to any less
13 credence.

14 As government agents such witnesses may be found
15 to have a natural interest in the outcome of a case with
16 which they have been concerned. Such interest is, as I
17 have said, just one of the facts you may take into account
18 in evaluating their credibility.

19 You have also heard a great deal about Al McCray,
20 the informant who did not testify in this case. You have
21 heard conflicting testimony about his role in the transac-
22 tions. In addition, Agent Bell described in great detail
23 his extensive efforts to locate McCray prior to the start
24 of this trial.

25 If you determine that McCray, whose testimony

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would have been relevant to the issues in this case, was

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available as a witness to the Government but not the defend-

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ants and yet was not brought forward, it would be permissible

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for you to infer that his testimony would not support the

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Government's position. Such an inference is not required,

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however, and you would be free to reject it. If, on the

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other hand, you determine that McCray was equally unavailable

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as a witness to both the Government and the defendants at the

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time of trial, no unfavorable inference against either side

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should be drawn on the basis of speculation as to what his

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testimony might have been.

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Now we come to the subject of direct and cir-

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cumstantial evidence, and you'll be glad to hear I'm approach-

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ing the end, ladies and gentlemen.

16

There are two classes of evidence recognized and

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admitted in the courts. One is direct and the other is

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circumstantial. You may consider, of course, both kinds in

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determining the guilt or innocence of the accused.

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Direct evidence is where a witness testifies to

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facts of his own knowledge or things that he saw, that he

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was present at, things that he watched; anything that a

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witness testifies about which comes to him by virtue of his

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own senses, his own observations, is direct evidence.

25

Circumstantial evidence is where proof is given

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2 of facts or circumstances from which one may infer other
3 connected facts which reasonably follow in the common ex-
4 perience of mankind. Let me give you a very simple example.

5 Suppose you are in a house with the shades pulled
6 down and a man comes in wearing a wet raincoat and rubbers;
7 his hat and wet and he has a dripping umbrella in his hands.
8 Since the shades are pulled down and you have not looked
9 out, you have not seen of your own knowledge, and you do
10 not know of your own knowledge, whether it is raining outside.

11 But even if you have not seen whether or not it
12 is raining, because the man came in with a dripping umbrella,
13 wet raincoat and so forth, obviously you are entitled to
14 conclude that it was raining.

15 That is, of course, an oversimplification really
16 of what I'm talking about, but it is an illustration of
17 what we mean by circumstantial evidence. Circumstantial
18 evidence, if believed, is of no less value than direct
19 evidence. But, in either case, no matter what type of evi-
20 dence you are considering, you must be convinced in the
21 last analysis beyond a reasonable doubt, of a defendant's
22 guilt before you can convict him of a charge.

23 I think all of you must remember that no convic-
24 tion can be based on suspicion or conjecture or speculation,
25 no matter how strong. A conviction can only be based on

1 mcm

2 actual proof of guilt beyond a reasonable doubt, and if the
3 proof doesn't meet that standard, you must acquit.

4 These are general principles that I have given
5 you, you will consider all the evidence and approach the
6 important question of whether or not the prosecution has
7 proved beyond a reasonable doubt that each defendant is
8 guilty of the charges against him or her. You must remember
9 it is not the number of witnesses or the quantity of proof
10 which determines the issue for or against a defendant. It
11 is the quality of the evidence in terms of its believability
12 and truthfulness under the standards that I have given you
13 which should be controlling in your minds.

14 Let me remind you again that the prosecution
15 has the burden of proving each element of each crime charged
16 beyond a reasonable doubt, as I have explained it to you.

17 If you find the evidence fails to establish a
18 crime charged or any element of the crime charged against a
19 defendant beyond a reasonable doubt, you must find that
20 defendant not guilty.

21 Even if you find beyond a reasonable doubt that
22 all the elements of a crime charged have been established as
23 to a particular defendant, you must still go on to consider
24 the defense of entrapment. You will recall that if you
25 conclude that there is no evidence of inducement, your inquiry

11 1 mcm

2 would cease, and you would return a verdict of guilty on that
3 charge. But if you find some evidence of inducement, the
4 Government must prove the particular defendant's predisposi
5 tion beyond a reasonable doubt in order to overcome the
6 defense of entrapment.

7 Remember that if you find beyond a reasonable
8 doubt that a defendant has violated the law as charged, and
9 has not been entrapped as I have defined it, you should not
10 be reluctant because of sympathy, or for any other reason,
11 to bring in a verdict of guilty.

12 The actions of the trial court, during the trial,
13 in ruling on motions or objections or in questioning wit-
14 nesses are not to be taken by you as any indication of the
15 guilt or innocence of the defendant. These are matters of
16 procedure and law with which you have no concern.

17 The arguments of counsel suggested to the Court
18 as well as any conferences that may have taken place at the
19 bench up here are also to be disregarded. Statements and
20 arguments on summation aren't evidence, nor are the questions
21 they ask. The only evidence is the evidence given on the
22 witness stand from the mouths of the witnesses, as you
23 recollect, and the exhibits in evidence.

24 And, remember, where answers of witnesses have
25 been excluded or stricken from the record, you must disregard

12

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2

both the question and the answer, for only matters which the

3

Court admitted in evidence and which remain part of the

4

record are to be considered by you in reaching your verdict,

5

and no inferences should be drawn from the fact that I asked

6

questions of certain witnesses. Those questions were intended

7

to clarify and expedite matters and not to suggest any opinion

8

as to the guilt or innocence of either of the defendants.

9

What I mean by inference is simply this: It is

10

a deduction or conclusion which reason and common sense

11

lead the jury to draw from facts which have been proved.

12

Remember, it is your recollection from the evidence presented

13

here and your decision as to what reasonable inferences

14

should be drawn therefrom.

15

The question of possible punishment of a defend-

16

ant, if he or she should be convicted, is of no concern to

17

you. It should not enter in any sense into your delibera-

18

tions or influence them in any way. If there should be a

19

finding of guilt as to a defendant, the duty of imposing

20

sentence rests exclusively with me. It is no concern of

21

yours at all.

22

I am not going to say much to you about your

23

deliberations. I think all of you understand that the

24

object of jury deliberations is to exchange views with your

25

fellow jurors, to discuss and consider the evidence and

2 listen to everybody's arguments and to reach an agreement
3 based solely on the evidence, if you can do so without
4 violence to your own individual judgment.

5 Each juror must decide the case for himself or
6 herself, but you should do so only after consideration with
7 your fellow jurors of the evidence in the case, all of the
8 evidence, and you should not hesitate to change an opinion
9 when convinced it is erroneous. However, if, after care-
10 fully considering all the evidence and the arguments of
11 your fellow jurors, you entertain a conscientious view that
12 differs from the others, you are not to yield your conviction
13 simply because you are outnumbered or outweighed, or are in
14 the minority.

15 You are composed of twelve jurors. You must con-
16 sider each of the four counts of the indictment separately
17 as to each defendant and render a separate verdict on each.
18 You must agree on a verdict of guilty or not guilty on each
19 count you are considering, that is to say, your verdict on
20 each of the counts must be unanimous.

21 I stress again that a finding that one of the
22 defendants is guilty or not guilty on any one count does not
23 dispose of nor should it affect your determination as to the
24 other defendant or the other counts. I repeat that each
25 defendant is entitled to a trial of the charges against him

14 1 mcm
2 or her solely on the basis of the evidence introduced against
3 him or her. You must make an independent determination as
4 to each defendant with respect to each count or charge against
5 him or her, applying the standards of proof beyond a reasonable
6 doubt that I have explained.

7 If in the course of your deliberations you want
8 any of the exhibits or want any testimony read, Madam Fore-
9 man, send me a note to that effect.

10 I think that is about all, ladies and gentlemen,
11 your oath, that you took here as jurors, sums up your duty,
12 and that is without fear or favor to any man you will well and
13 truly try the issues between this defendant and the Govern-
14 ment according to the evidence given you in this courtroom
15 and the laws of the United States as I have charged them to
16 you.

17 Do you wish to be heard?

18 MR. MARKFIELD: Yes, sir, your Honor.

19 (At the side bar.)

20 MR. MARKFIELD: Your Honor, two points. First
21 of all, I believe when you charged the missing witness charge
22 you stated that if they believe that the Government did not
23 use reasonable efforts or that they could have produced him
24 and if they considered his testimony favorable to the Govern-
25 ment -- and I believe you meant to say "not favorable."

1 THE COURT: Did anybody catch that?

2 MR. MAZUR: I think you said, "You can draw an
3 inference that it wouldn't be favorable to the Government."
4

5 MRS. SOLLEDER: I thought you said it would not
6 support the Government's theory, whereas we requested that
7 we would be unfavorable to the Government.
8

9 MR. MARKFIELD: I heard it differently. Of
10 course, we all hear it differently. I heard you say that
11 the testimony would be favorable.

12 MRS. SOLLEDER: I didn't hear favorable.

13 MR. MAZUR: I heard that it would not be unfavor-
14 able to the Government or that it would not support.

15 THE COURT: That is what I have written down.

16 MRS. SOLLEDER: That it would not be favorable?

17 MR. MAZUR: The Government asks that if you are
18 going back to the subject at all that you repeat the entire
19 charge.

20 THE COURT: That is certainly true. I can't --

21 MR. MAZUR: My recollection is that you charged
22 as you intended.

23 THE COURT: Same charge as I read this morning.

24 MR. MARKFIELD: I request that you give a limiting
25 instruction with regard to the testimony about Nancy Reed's
prior transaction with P.T. and Paul Levy. I believe you

16

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2 advised the jury that any evidence of her prior transactions
3 could only be introduced against her. I would like that
4 limited to that the jury could take her representations that
5 there were these transactions any way they want, but that
6 is not to say that these transactions did occur.

7 THE COURT: No, I'll deny that.

8 MR. MARKFIELD: As to the acts between Paul Levy
9 and P.T., I think your Honor said they could in no way be
10 considered against Mr. Goldsmith. The Government's position
11 is if that were so with respect to Nancy Reed's post-arrest
12 statement about that transaction, and with respect to the
13 address books, it is crystal clear that there was testimony
14 that during the negotiations during the conspiracy Reed
15 offered to set up the kilo deal. There was also testimony
16 that Mr. Goldsmith said that he would see to it that Nancy
17 hooked up Hammonds with a white source.

18 THE COURT: I dealt with this similar act testi-
19 mony.

20 MRS. SOLLEDER: I am satisfied with your Honor's
21 charge on that. Your Honor was pointing out the Government's
22 contentions as to the \$100,000 deal. You said that was only
23 as against the defendant Reed. Then when your Honor pointed
24 out the \$36,000 contention you didn't limit it to Reed. I
25 think it should be consistent.

17 1 mcm

19 2 THE COURT: No, I think Reed took or played the
3 principal role and then I went on to the other transaction
4 which was also mentioned in the course of discussions. I
5 don't want to change that. It is the jury's recollection
6 of the facts anyway. It is not mine.

7 MRS. SOLLEDER: I had another one. When your
8 Honor was setting forth the defendant's contentions to
9 distinguish from Reed, who really didn't have this contention,
10 you said Goldsmith said that he was not an active partici-
11 pant. He contended that he was merely a messenger.

12 THE COURT: Coconspirator or messenger.

13 MR. MAZUR: In giving the Government's conten-
14 tions as to distribution you said that the Government contends
15 that the sales were for money. The Government also contends
16 that it didn't matter whether or not they were for money.
17 The law which governs distribution -- I would ask your Honor
18 to state that the Government-- not as to the contention but
19 rather on that particular element of the crime, the distribu-
20 tion, that your Honor instruct the jury that it does not
21 matter whether or not money was made.

22 THE COURT: That is denied.

23 MR. MAZUR: Your Honor stated that they would have
24 to find that sometime during the period August 1, 1976 through
25 February 23, using the date of the arrest as the cut-off of

1
2 the conspiracy.

3 THE COURT: Yes.

4 MR. MAZUR: The Government doesn't contend that
5 it moved up the entire period of the conspiracy through the
6 date of the indictment. However, there may be some confusion
7 in the jury's mind that --

8 THE COURT: There isn't any evidence as to what
9 happened between February and --

10 MR. MAZUR: That is correct. I ask you to in-
11 struct the jury that although the indictment reads August 1,
12 1976 through April 14, the date of the filing of the indict-
13 ment, that it is sufficient if the Government proves the
14 existence of the conspiracy at any time during that period.

15 THE COURT: Oh, no, I'm going to deny that.

16 MRS. SOLLEDER: As to the voluntariness of the
17 statement, I thought your Honor was including in the charge --
18 that is why I didn't request it -- they signed the waiver of
19 rights form and --

20 THE COURT: I passed on that at a separate hear-
21 ing. That is not a question for now. I'm going to deny
22 your request.

23 (In open court)

24 THE COURT: Ladies and gentlemen, we have one
25 more thing to do. I have to deal with the two ladies who

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are alternates. I know it is a little frustrating when you sit on a case all the way through and have to be discharged, but I want you to know that having you there is very important to the administration of justice because if somebody had gotten sick, there had been some trouble, some family trouble, something like that, and if someone had to be excused, the whole trial would have been wasted unless you were there to move in, so you go with the thanks of the Court and with the knowledge that you performed a very important duty of citizenship for which the Court is thankful.

13

14

15

16

I know that the luncheon order is in for you, but you can't have lunch with the other jurors because they have to deliberate. I will arrange for the clerk to see to it that you have your lunch somewhere else.

17

Will you swear the marshals, Madam Clerk?

18

(Marshals sworn.)

19

THE COURT: All right, the jury may now retire.

20

(The jury left the courtroom.)

21

22

(Luncheon recess until two p.m. Jury deliberations began at two p.m.)

23

24

25

2 until this very second.

3 I want to speak to that witness for one second.

4 THE COURT: You speak to that witness and let me
5 know the result.

6 (In open court.)

7 THE COURT: We will take a short recess, ladies
8 and gentlemen, I am sorry to say.

9 (Recess.)

10 (In open court, jury not present.)

11 THE COURT: Before we do anything else, let's
12 dispose of this question about warrantless arrests that you
13 just raised. I don't know whether you are familiar with
14 21 U.S. Code, Section 878, which provides that any employee,
15 officer of the Bureau of Narcotics and Dangerous Drugs, which
16 includes now the Drug Enforcement Administration, may,
17 (3), make arrests without a warrant for any offense against
18 the United States committed in his presence or, B, for any
19 felony recognizable under the laws of the United States if
20 he has probably cause to believe that the person to be arrested
21 has committed a felony.

22 I don't see what the warrantless arrest has
23 to do with it.

24 MR. MARKFIELD: Well, after reading that--

25 MR. MAZUR: Your Honor, I would renew my request for

USA v.

Reed

Judge Bryan

mcm 1

UNITED STATES OF AMERICA

NANCY REED and
MORRIS GOLDSMITH, a/k/a "Marlowe"New York, New York
Ji 1977 - 10:30 a.m.

(Trial resumed.)

THE COURT: Before we have the jury in, over the weekend I have looked at a couple of the two most recent Supreme Court cases dealing with the legality of warrantless arrests. The question of warrantless arrests was raised here. Those cases are the United States vs. Watson, which was decided on January 16, 1976, and United States vs. Santana, which was decided on June 24, 1976.

Our original thinking on that question is correct, since the entry of Miss Reed's partner was admittedly after she was arrested in full view when she opened the door. Such a warrantless arrest was clearly authorized by 21 U.S. Code 878 and my prior ruling on this question stands.

Is there anything before we bring the jury in?

MR. MARKFIELD: No, your Honor.

MRS. SOLLEDER: No, your Honor.

THE COURT: You may bring the jury in.

(Jury present.)

THE COURT: Good morning, Madam Foreman and

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THE COURT: Is there anything further on this hearing?

MR. MAZUR: No rebuttal witnesses, your Honor.

MS. SOLLEDER: No further questions.

THE COURT: Well --

MS. SOLLEDER: Before your Honor rules, I would like to point out by the government's exhibit and the waiver of rights form that the DFA agents read to the defendant specifically provides that if there is going to be a waiver of the statement of rights the defendant should sign BNDD Form 13, and the testimony is uncontradicted here that he did not sign any such form here, and I add that as an additional ground for the suppression of the statement.

THE COURT: Your motion is directed to the statement of the United States Attorney?

MS. SOLLEDER: It was, but the government went to the statements made in the DFA office, and I argue from that, that having started to suppress, even though I didn't specifically itemize it.

THE COURT: I am going to deny both motions.

I am afraid we are going to have to do this other thing tomorrow morning.

MR. MAZUR: Your Honor, I furnished a copy of the cassette to Mr. Markfield. He said he would take it home

441-4906 7336200 60

OK 7-6767
change
8-

Addresses

Leans
201-

and 487-9634
Telephone Numbers

2936383

Birthdays

Anniversaries

Record of

Christmas Cards

6804-559

PRINTED IN U.S.A.

BIRTHDAYS

CHRISTMAS CARD LIST

-5591

E

POLICE

FIRE

DOCTOR

JOB

828-9940

823-1350

Super Dunny

536 4658

12127

Valentin

181

Mike

892-8491

New No

293-1688

Job No.

823-1350

828-9940

Marlowes Job No.

274-0709

274-0765

FLOWERS

January—Carnation or Snowdrop

July—Larkspur

February—Violet

August—Gladioli or Poppy

March—Jonquil or Daffodil

September—Aster or Morning Glory

April—Sweet Pea

October—Calendula or Cosmos

May—Lily of the Valley

November—Chrysanthemum

June—Rose or Honeysuckle

December—Narcissus or Holly

WEDDING ANNIVERSARIES

First Year—Paper

Thirteenth—Lace

Second—Cotton

Fourteenth—Ivory

Third—Leather

Fifteenth—Crystal

Fourth—Books

Twentieth—China

Fifth—Wood or Clocks

Twenty-fifth—Silver

Sixth—Iron

Thirty—Pearl

Seventh—Copper, Bronze or Brass

Thirty-fifth—Coral, Jade

Eighth—Electrical Appliances

Fortieth—Ruby

Ninth—Pottery

Forty-fifth—Sapphire

Tenth—Tin, Aluminum

Fiftieth—Gold

Eleventh—Steel

Fifty-fifth—Emerald

Twelfth—Silk or Linen

Sixtieth—Diamond

BIRTHSTONES

January—Garnet

July—Ruby

February—Amethyst

August—Sardonyx or Peridot

March—Bloodstone or Aquamarine

September—Sapphire

April—Diamond

October—Opal or Tourmaline

May—Emerald

November—Topaz

June—Pearl or Moonstone

December—Turquoise or Lapis Lazuli

11/1/11	536-2000
11/1/11	611-4930
11/1/11	971-7860
11/1/11	531-7000
11/1/11	921-2000
11/1/11	865-0450
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Birthdays

Christians Card List

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Anne 796-4413
 Lawrence 313-836-9827
 BT 323 9404
 4429
 Arthur - 731-7384
 Hatchett
 Venny 231-4624
 Pat 294-2871
 Hutch-
 1639 Fulton ave
 3E
 364-2344
 Thomas
 781-9511
 Fort Wash
 161
 187
 7522

Norma Ruby Richardson
 Litchell Sep. 23 ✓
 Yvonne H. G. V. 1293 6383
 Todd 926-4627
 Lloyd
 201-887-3178
 693-7756
 528 01798
 365-7805
 Dee 942-4219 ✓
 Jaylin
 781-5791
 787-7512
 681-8141
 Beverly 733-4486
 588 9703

Birthdays
 Christmas Card List
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Edna 878-4757

Kumbar House

143 + 7 9 26-8199

Leitch, 992-9526

Sara - Givens ✓

130 West 1st St

New York, N.Y.

APL 012

PA 3-3415

10030

Chico

1634 Park Avenue

NY 10029

21K

731-5252

George Mack

588-3598 ✓

2-King

724-1579

8

Andre 588-4842

588-2499

583-9043

643-9015

Pt Shore

265-0482 ✓

Chuck Mann

299-1000 4/7 248

Mal - 299-8782 ✓

90

Shirley 516 643-9015

Heidi 131-5557

8167

Marlowe 822-7279

Phelia 364-6981

9

AREA CODE
TEL. NO.

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Birthdays

Christmas Card List

931-3126
2175 Lockwood
61

Betty + Rhea
1133 Odgen Ave

681-3419 18-3

April 583-9083

Helena-731-0793

miles
K.2-8888
parties

Barbara-773-6011
L. 10/1/70

926-4873 ✓

Mr. Reed

926-8643

Mustering

Sally ✓

12450 Park Ave

175

Paulie 364-4311

Conrad R199 8655
M. 10/1/70

Bob + Lois 220-3308

Helena 731-0793

Birthdays

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Christmas Card List

my 328-7602

Michael

843-6741

Joe 243-6383

Sidney 675-7544

Frank

pl 7-4538

NAME AND ADDRESS

AREA CODE
TEL. NO.

301-949-6622

P.T.

Levin 234-7996

564-8320

Pat 365-1442

Al new no.
299-8749

Spot 249-6326
6326

Alie 855-9777

Birthdays

Christmas Card List

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May 328-1602

Michael

843-6741

Jerry ~~411-7257~~

926-3727

Edie 365-7805

Walter 243-4123

Margaret 586-1600

301-949-6622

P.T.

Sylvia 234-7996

Handy + Marie
PO-8-9743

293-6384

1345

Johnny Super 536-4558

Helin goal
216 E 167

293-1688 New No.

777 126
Robby 231-2405

Hand to god

PL-7-4538

ST. MARY

1801 East 141st Apt 15C

66-5-8243

66-5-8243

5:15

681-6989

THY 45

4-3

James Crowley

329-5674

Birthdays

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Christmas Card List

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Birthdays

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Christmas Card List

Birthdays

Christmas Card List

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at white planes + Watson
Kings Lane 1

8937356

Mildred
893-6741

891-3476

Mrs Florence Nelson 516.
 44 Nelson Long Island 538-5969

5.2 - 75.50
 Spats Illustrated
 Harvey

Place an order

NAME AND ADDRESS

TEL. NO.

NAME AND ADDRESS

TEL. NO.

583-5168

Daddy 584-1521

Protect Rita

Birthdays

Christmas Card List

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NAME AND ADDRESS

AREA CODE
TEL. NO.

NAME AND ADDRESS

TEL. NO.

Mrs. Shirley Batkin
27 S Babylon

516-643-9015

Sylvia 234 7996

Birthdays

S
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Christmas Card List

Sept 16
Hawaii 1125

268-9454

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PT 949-9658

AREA CODE
TEL. NO.

Birthdays

Christmas Card List

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NAME AND ADDRESS

AREA CODE
TEL. NO.

NAME AND ADDRESS

AREA CODE
TEL. NO.

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X
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823-
1330

DRIVE fan

Ernestine 933-5383

Ann
933-2110

MARIE 690-1673

NAME AND ADDRESS (V) (S) SENT TO (R) REC'D FROM

5 617

Kim 762-8407

861-6449

Sherwood Syvan

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Christmas Card List

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Western Union	S				
441-4906	R				
850-7200	S				
	R				
Nathaniel	S				
	R				
81-295	S				
	R				
427 West 11th	S				
Manh	R				
960-3879	S				
PICCINI	R				
Miller	S				
	R				
2-8888	S				
	R				
1074 Southern	S				
Blush	R				

NAME AND ADDRESS (✓) (S) SENT TO (R) REC'D. FROM

S					
R					
S					
R					
S					
R					
S					
R					
S					
R					
S					
R					
S					
R					
S					
R					
S					
R					
S					
R					
S					
R					

NAME AND ADDRESS (✓) (S) SENT TO (R) REC'D. FROM

98. 4403

F+R

681-6450

Reigel

22

18.75

3

56.25

S					
R					
S					
R					
S					
R					
S					
R					
S					
R					
S					
R					
S					
R					
S					
R					
S					
R					
S					
R					

Christmas Card List

Bathsk
624-7835
643-1518

1849 Sedgewick
1 rempt
95.

NAME AND ADDRESS (✓) (S) SENT TO (R) REC'D. FROM

Rita
598-4403

AL 1849 Sedgewick Ave
95
299-8782

John
(John)
299-3857

Doris App

Sept 12 1:30
Dr. Callarame 8th fl

681-3592

641-2400
143

Christmas Card List

~~0015904 56712~~

Johnny Morris

Box 509 Union

2277 AUG City Sta 10019

11

6/23/74 is my
birthday at the mid

Marcha ^{PT} 301 949-7658

Bother Not

3427 6100 3427 6100

538-5306

W. J. (E. J.)

77-9204 Bus

Iron history

747. Good

850- 1200
220-3923

GOUT. EX. 7

1/5/55
9/5/55

E

In an Emergency.

Be prepared for any emergency by jotting down these telephone numbers.

Fire 911 665-2200

Police 911

Ambulance

Doctor Emergency 328-1000

Clark TA 455-5

Home 2411

If you don't know the number, dial "0" [Operator] for assistance. Say "This is an emergency call!" Tell the operator the number of the telephone you're calling from and what the emergency is.

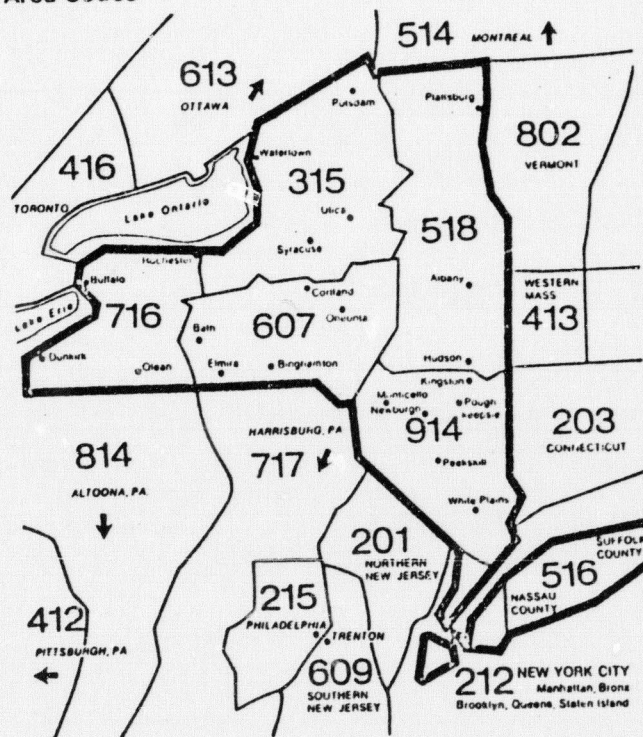
Contents

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Map with Time Zones	26-27
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Alphabetical List by States	44-50
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How to Dial

Please see the Call Guide in the first pages of your local directory for information about dialing all calls.

Area Codes



Area codes for New York State and the surrounding region are shown above. The area codes are used only when calling from one telephone area to another. For example, to call Albany from New York City you would dial area code 518 and the local number.

You'll find a handy list of area codes for many points in the United States and Canada starting on page 43.

B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V
W
X
Y
Z

Quick Reference

Other Services

Telephone:

Business Office

Repair Service

Gas Company

Electric Company

Water Company

*Others

High School of Fashion
225 W 24 St
255-1235 748 ave

Job 218 823-1350
828-9940

Marlowe Job 274-8765
274-0709

Job No. Daffney
Miss 828-1179
Miss 931-9940

Pat's Sec Security 118 104-568358

Pat 106 024 9005
106 0248 993

Woodville
210 E 86 St
879-5300

1020 Grand Concourse
185

L. Brown
1020 St
760-1618

*For additional services please consult your Yellow Pages.



Telephone numbers & addresses

name Abbey 394-3532
 street 1111 Lenox 3531
 city _____ state _____ zip _____
 area code _____ tel. no. 823-3173

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

You get a poor connection. If you get a poor connection on a direct dialed call, we don't want you to pay for it. Please hang up. Tell the Operator, who will give you a new connection and start the call over again. No charge for the first call or the Operator's help.

Telephone numbers & addresses

name _____
 street _____
 city _____ state _____ zip _____
 area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

Telephone numbers & addresses

name Bolby

street _____

city _____ state _____ zip _____

area code _____ tel. no. 1975-1234

15 M 1975 Selgeach Ave

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

Telephone numbers & addresses

name _____

street _____

city _____ state _____ zip _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____



Telephone numbers & addresses

name

street

city state zip

area code tel. no.

Callaway 40 W 135 St

Tampa

area code tel. no. 11469843

area code tel. no.

area code tel. no.

area code tel. no.

Have you seen the CALL GUIDE in the first pages of your directory? It's loaded with facts: dialing instructions, charges for calls, who can help you at the telephone company, etc. Keep your phone book handy to save time.

Telephone numbers & addresses

name

street

city state zip

area code tel. no.

area code tel. no.

area code tel. no.

area code tel. no.

area code tel. no.

area code tel. no.

Telephone numbers & addresses

name Deboire

street _____

city _____ state _____ zip _____

area code _____ tel. no. 293-9123

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

Telephone numbers & addresses

name _____

street _____

city _____ state _____ zip _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

Telephone numbers & addresses

name Helena
 street _____
 city _____ state _____ zip _____
 area code _____ tel. no. 731-2672

area code _____ tel. no. _____

TANER

area code _____ tel. no. 850-2364

16 N. 513

area code _____ tel. no. 281-1653

11000 S. 10th

area code 416 tel. no. 416-415

1100 S. 10th

area code _____ tel. no. 203-0571

Telephone numbers & addresses

name Harold Boykins
 street _____
 city _____ state _____ zip _____
 area code _____ tel. no. 667-4538

8025 Lafayette
 area code _____ tel. no. 843-1621

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____



Telephone numbers & addresses

name M. J. P. E. N

street _____

city _____ state _____ zip _____

area code _____ tel. no. 893-6741

15865 15865 15865

15865 15865 15865

area code 10-4 tel. no. 408-1145

502 W 151

area code _____ tel. no. 502 W 151

502 W 151

area code _____ tel. no. 502 W 151

area code _____ tel. no. _____

If you reach a wrong number dial "0" (Operator) immediately and tell the Operator what number you were trying to reach so you will not be charged for the call.

Telephone numbers & addresses

name _____

street _____

city _____ state _____ zip _____

area code _____ tel. no. _____

area code _____ tel. no. _____

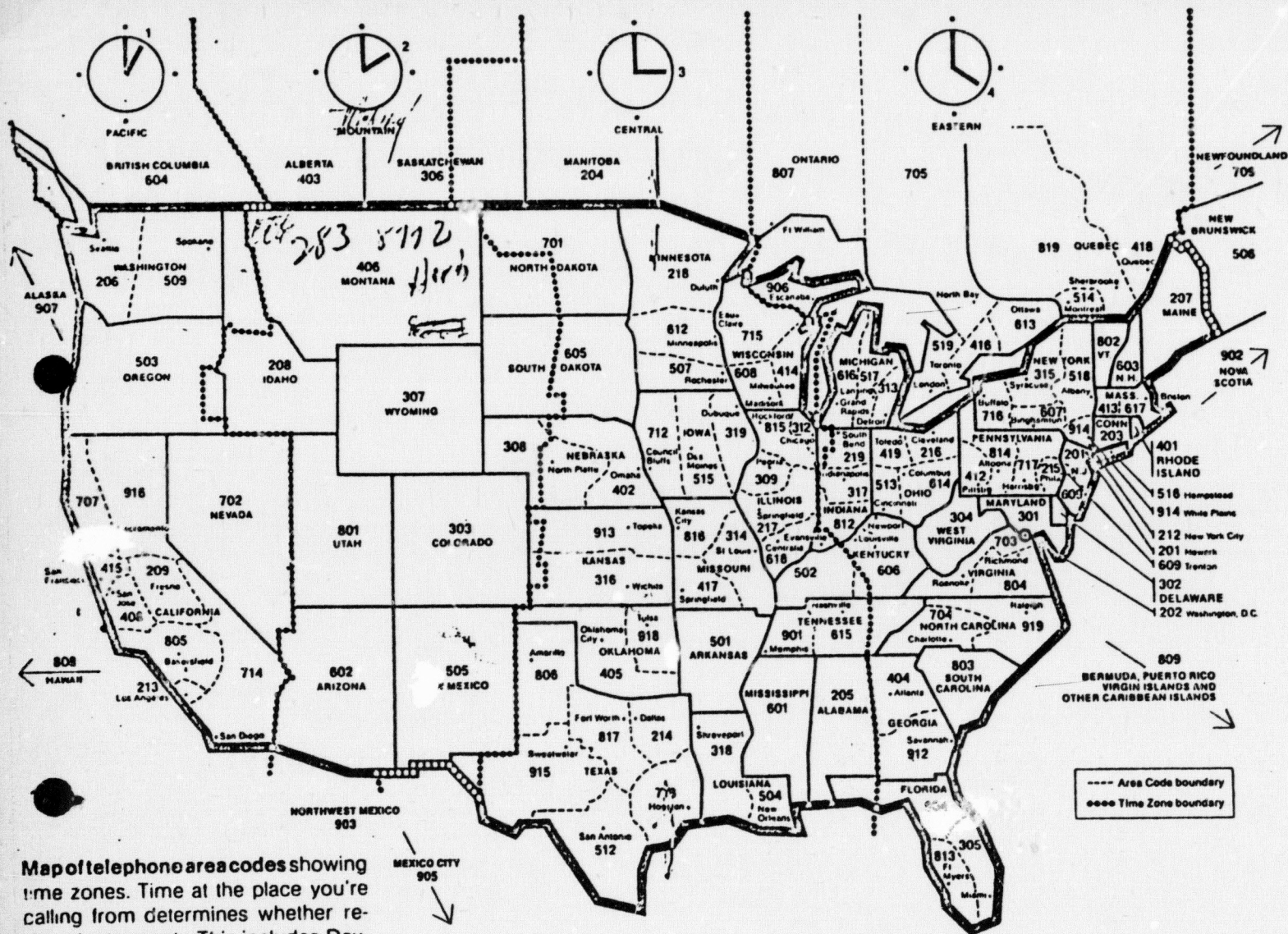
area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____



Map of telephone area codes showing time zones. Time at the place you're calling from determines whether reduced rates apply. This includes Daylight Saving, where and when in effect.

Telephone numbers & addresses

name Poulie
 street _____
 city _____ state _____ zip _____
 area code _____ tel. no. 364-9311
17

area code 301 tel. no. 449-7658

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

Telephone numbers & addresses

name _____
 street _____
 city _____ state _____ zip _____
 area code _____ tel. no. _____

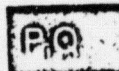
area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____



Telephone numbers & addresses

name Mrs Reed
 street 265-8243
 city _____ state _____ zip _____
 area code _____ tel. no. 926-4873-

Sylvia Reed

area code _____ tel. no. 234-7496

Shirley Tunderbury

area code _____ tel. no. 244-3259

Sylvia Lewis

area code _____ tel. no. 893-8453

area code _____ tel. no. _____

area code _____ tel. no. _____

Telephone numbers & addresses

name _____
 street _____
 city _____ state _____ zip _____
 area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

Telephone numbers & addresses

name Todd Jensen
 street _____
 city _____ state _____ zip _____
 area code _____ tel. no. 614-3476

 area code _____ tel. no. _____

 area code _____ tel. no. _____

 area code _____ tel. no. _____

 area code _____ tel. no. _____

 area code _____ tel. no. _____

 area code _____ tel. no. _____

Telephone numbers & addresses

name _____
 street _____
 city _____ state _____ zip _____
 area code _____ tel. no. _____

 area code _____ tel. no. _____

 area code _____ tel. no. _____

 area code _____ tel. no. _____

 area code _____ tel. no. _____

 area code _____ tel. no. _____

 area code _____ tel. no. _____

Telephone numbers & addresses

name Thelma
 street _____
 city _____ state _____ zip _____
 area code _____ tel. no. 822 7279

Tony
 area code _____ tel. no. 323-366
6362

area code _____ tel. no. 313-6878
504-6878

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

Telephone numbers & addresses

name _____
 street _____
 city _____ state _____ zip _____
 area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

area code _____ tel. no. _____

Telephone numbers & addresses

name		
street		
city	state	zip
area code	tel. no.	
area code	tel. no.	
area code	tel. no.	
area code	tel. no.	
area code	tel. no.	
area code	tel. no.	
area code	tel. no.	

Area Codes—in numerical order to help you locate your area code.

States that are served by more than one area code are shown by *.

Check the list on the following pages for the area code of the locality you're calling. For area codes not shown, you can dial the regular Operator—the one you reach when you dial zero—and get the area code information at no extra charge.

area code	location	area code	location	area code	location
*201	New Jersey	*413	Massachusetts	*705	Ontario
202	District of Columbia	*414	Wisconsin	*707	California
203	Connecticut	*415	California	709	Newfoundland
204	Manitoba	*416	Ontario	*712	Iowa
205	Alabama	*417	Missouri	*713	Texas
*206	Washington	*418	Quebec	*714	California
207	Maine	*419	Ohio	*715	Wisconsin
208	Idaho	501	Arkansas	*716	New York
*209	California	*502	Kentucky	*717	Pennsylvania
*212	New York	503	Oregon	800	All locations
*213	California	*504	Louisiana		Inward WATS
*214	Texas	505	New Mexico	801	Utah
*215	Pennsylvania	506	New Brunswick	802	Vermont
*216	Ohio	*507	Minnesota	803	South Carolina
*217	Illinois	*509	Washington	*804	Virginia
*218	Minnesota	*512	Texas	*805	California
*219	Indiana	*513	Ohio	*806	Texas
301	Maryland	*514	Quebec	*807	Ontario
302	Delaware	*515	Iowa	*808	Hawaii
303	Colorado	*516	New York	809	Puerto Rico & Virgin Islands
304	West Virginia	*517	Michigan		
*305	Florida	*518	New York	*812	Indiana
306	Saskatchewan	*519	Ontario	*813	Florida
307	Wyoming	601	Mississippi	*814	Pennsylvania
*308	Nebraska	602	Arizona	*815	Illinois
*309	Illinois	603	New Hampshire	*816	Missouri
*312	Illinois	604	British Columbia	*817	Texas
*313	Michigan	605	South Dakota	*819	Quebec
*314	Missouri	*606	Kentucky	*901	Tennessee
*315	New York	*607	New York	902	Nova Scotia & Prince Edward Isl.
*316	Kansas	*608	Wisconsin		
*317	Indiana	*609	New Jersey	903	Mexico (N.W.)
*318	Louisiana	*612	Minnesota	*904	Florida
*319	Iowa	*613	Ontario	*905	Mexico
401	Rhode Island	*614	Ohio	*906	Michigan
*402	Nebraska	*615	Tennessee	*907	Alaska
403	Alberta	*616	Michigan	*912	Georgia
*404	Georgia	*617	Massachusetts	*913	Kansas
*405	Oklahoma	*618	Illinois	*914	New York
406	Montana	701	North Dakota	*915	Texas
*408	California	702	Nevada	*916	California
*412	Pennsylvania	*703	Virginia	*918	Oklahoma
		*704	North Carolina	*919	North Carolina

Dates to Remember...

Birthdays, Anniversaries, Special Events

Thompson 5422
416 5...
755-...

John & Mary
John

1976 12 5
924-7700

215	Easton	512	San Antonio	NOVA SCOTIA	902	All points
814	Erie	713	Texas City-	ONTARIO		
412	Greensburg		LaMarque	807	Fort William	
717	Harrisburg	713	Wharton	519	London	
717	Hazleton	UTAH		705	North Bay	
412	Indiana	801	All points	613	Ottawa	
717	Lancaster	VERMONT		416	Toronto	
717	Lebanon	802	All points	QUEBEC		
215	Levittown	VIRGINIA		514	Montreal	
717	Lock Haven	703	Arlington	418	Quebec	
412	McKeesport	804	Charlottesville	819	Sherbrook	
412	New Castle	703	Covington	SASKATCHEWAN		
215	Philadelphia	804	Norfolk	306	All points	
412	Pittsburgh	804	Richmond	MEXICO		
215	Pottstown	703	Roanoke	903	Mexico No.	
215	Reading	WASHINGTON		905	Mexico City	
412	Rochester	206	Olympia			
717	Scranton					

Shop the Yellow Pages Way



It's the homemaker's helper



...and the business helper



TRANSCRIPT

DEA Exhibit A

Date: October 10, 1976

Time:

Participants: Special Agent Garfield Hammonds
Nancy Reed

(Sound of busy signal).

(Sound of telephone ringing).

Unidentified
Female: Hello.

Garfield
Hammonds: Hi, is Nancy there?

Unidentified
Female: Yeah, who is this?

Hammonds: Tell her it's G.G.

Unidentified
Female: Hold on.

Nancy
Reed: Hello.

Hammonds: Hey.

Reed: Hey, what's happening?

Hammonds: How're you doing?

Reed: O.K.

Hammonds: All right, what's the deal, what's going on?
I heard you're pissed off at me.

Reed: No, I was worried about you.

Hammonds: Oh, really. Hey, you know what I did?

Reed: Hunh?

Hammond: You know what I did?

Reed: What?

Hammonds: I wrote your name. I wrote your number on a
dollar bill right.

Reed: Uh hunh.

Hammonds: Evidently I spent it.

Reed: Oh.

Hammonds: Because I had to call your people, you know,
and get the number.

Reed: Uh hunh.

Hammonds: Yea, he gave it to me today.

Reed: From Al, right?

Hammonds: Yeah.

Reed: Uh hunh. Where you been?

Hammonds: Well I told you what I was doing, you know, that
I had to reach out, right?

Reed: Oh man, you done scared me half to death.

Hammonds: Why?

(Laughter)

Reed: Oh Boy. (unintelligible). Are you still in the city?

Hammonds: Nah. I'm back or I got to come back.

Reed: Oh. Uh hunh.

Hammonds: Yeah. Cause, you know, that shirt I was telling you about?

Reed: Uh hunh.

Hammonds: Well I brought that shirt back, you know.

Reed: Yeah.

Hammonds: And you know what it had on it?

Reed: What?

Hammonds: Eight stripes.

Reed: Oh man, you missed it. Oh Lord, you should have seen what we had on, had about eighteen.

Hammonds: Come on.

Reed: No shit.

Hammonds: Well, that's all right. You still got it?

Reed: Uh hunh, I think so.

Hammonds: Huh?

Reed: I think so.

Hammonds: Well ff you have it, I'll give you time to get it, I swear to God.

Reed: I'm telling you, just went down town and had it uh checked.

Hammonds: Uh hunh.

Reed: On the money.

Hammonds: Oh yeah.

Reed: Uh hunh.

Hammonds: Wow.

Reed: I was scared to death. I ain't know what the hell had happened to you.

Hammonds: No, I was cool.

Reed: Oh.

Hammonds: You know, cause I walk light. I don't be on front street too much

Reed: Yeah, please don't.

Hammonds: Yea, I be very very quiet, you know.

Reed: Yea.

Hammonds: In fact, I tip that way. You know.

Reed: Right.

Hammonds: I told you, I was going to call you back the next day.

Reed: Yea, right.

Hammonds: Then I couldn't come up with the number. Then I called the fool all day, you know.

Reed: Uh hunh.

Hammonds: And I guess he got some big money now, you know.

Reed: Yeah, I was wondering where it came from.

Hammonds: Hunh?

Reed: I was wondering where it came from.

Hammonds: Yeah, I gues he got some big money now so he be out there in the street bullshitting, you know.

Reed: Yeah.

Hammonds: So, I didn't you know, to keep you hanging because you told Monday anyway, you know.

Reed: Yea, but you know this happened right after I talked to you that evening about four o'clock.

Hammonds: Yeah.

Reed: Uh hunh.

Hammonds: Yeah, cause I know you told me Monday, so I just had to reach for something, you know.

Reed: Yeah.

Hammonds: Because I couldn't wait that long.

Reed: Oh, but I could have got something for you just to hold over.

Hammonds: Yea, but what I got, hey, it was on time though.

Reed: Unh hunh.

Hammonds: You know, so it wasn't no problem.

Reed: Yeah.

Hammonds: Yeah. So, ah, the thing that ~~I've~~^{we,} we're talking about, right, I got half of that

Reed: Unh hunh.

Hammonds: Yeah, ^{And it was no sweat, you know} ~~when~~ (laughter)

Reed: Oh. ^{Hammonds: Yeah. Reed: Whew.} You don't know what a relief this is. (laughter).

Hammonds: So I said, let me ask to give up the number so I can call the people, you know.

Reed: Yeah. To (tell them what's happening.)

Hammonds: Right, ~~to~~

Reed: I'm telling you cause I was scared to death. I say, you're by yourself. You know, anything might a happened, you know.

Hammonds: No, I check my back.

Reed: Oh, that's what I wanted to tell you. The next time, you know, bring somebody or something.

Hammonds: Yeah, right, right. I check my back.

Reed: Right. That's cool.

Hammonds: As best I can, yeah.

Reed: Yeah.

Hammonds: So, ah, can I see you Tuesday?

Reed: Yeah.

Hammonds: Hunh.

Reed: Ah, Tuesday. (Unintelligible). Will Tuesday be alright?
Uh hunh? So see what it is. It's like that now and if
it stay too long, it might, you know.

Hammonds: Yeah.

Reed: It might not be the same.

Hammonds: Uh hunh.

Reed: Cause it's definitely on the money.

Hammonds: Uh hunh.

Reed: So, uh, well, we can wait till Tuesday. See if you can't
make it before then, you know, but now it's sure nuff,
sure nuff.

Hammonds: Oh yeah.

Reed: Cause you missed out on a good thing and I ain't jiving.
(Laughter). Cause when I got the word I said this shit
here is unbelievable. I don't even believe this myself.

Hammonds: Yeah.

Reed: But it was sure enough on the money.

Hammonds: Uh hunh.

Reed: Uh hunh.

Hammonds: Uh hunh, the stuff was on time then, uh?

Reed: Yes indeed.

Hammonds: Um, wow. O.K., well, any rate.

Reed: Uh humh.

Hammonds: Uh, let's see, tomorrow is Columbus Day, right?

Reed: Right.

Hammonds: Well, I'll be in on Tuesday. You got to work Tuesday?

Reed: As a matter of fact, I'm off. (Laughter).

Hammonds: Oh really?

Reed: Yes, I am. (Laughter).

Hammonds: O.K., well then, uh, I'll bang you then as soon as I get in town, you know.

Reed: O.K.

Hammonds: O.K.

Reed: Alright, that's a bet.

Hammonds: In fact, I'll bang you before I leave.

Reed: Uh humh.

Hammonds: And that way, you know, you can get in motion maybe.

Reed: O.K., but you see ---- Ah.

Hammonds: Well I tell you, wait till I get here, right.

Reed: O.K., fine.

Hammonds: Just wait till I get here and that way, you know, we don't have nobody hanging on, you know.

Reed: Right. (Laughter).

Hammonds: Right.

Reed: Now I can sleep good tonight. (Laughter).

Hammonds: Alright.

 (Laughter).

Reed: O.K. baby, I'll see you then.

Hammonds: O.K. baby.

Reed: Alright.

Hammonds: Be sweet.

Reed: Bye bye.

Hammonds: Bye bye.

TRANSCRIPT

DEA Exhibit A

Date: November 28, 1976

Time:

Participants: Special Agent Garfield Hammonds
Nancy Reed

(Sound of telephone ringing).

Unidentified
Female:

Hello.

Garfield
Hammonds:

Hi, Nancy please.

Unidentified
Female:

Who's this.

Hammonds:

Uh, G.G.

Nancy Reed:

Hey.

Hammonds:

Hey, baby. I ment to ask you, what time do you think I can possibly, you know, head out of here?

Reed:

Uh, let me see, well see I gotta.

Hammonds:

You don't have to be right on the money, you know.

Reed:

Hunh?

Hammonds:

You don't have to be right on the money, you know. I mean a close time, so I can, you know, try to schedule something, you know, on getting back out.

Reed:

Well, if I could see you right now then I can tell you what I got to tell you.

Hammonds:

Uh hunh. Oh, it's based on that then?

Reed: Yeah, well.

Hammonds: O.K., well.

Reed: Not really, but you know, I just want to tell you this first.

Hammonds: O.K. Well I'll hold up on my arrangements then.

Reed: O.K.

Hammonds: O.K.

Reed: So, um, you still don't feel like coming out right now, hunh?

Hammonds: Uh, yeah, well just as soon as I sit down, you know, sit my things down, you know.

Reed: Uh hunh.

Hammonds: Right.

Reed: Cause the quicker I tell you this, the quicker we can you know.

Hammonds: Can move. O.K.

Reed: Yeah. O.K.?

Hammonds: Bet.

Reed: Alright.

Hammonds: O.K.

Reed: Bye bye.

TRANSCRIPT

DEA Exhibit A

Date: November 28, 1976

Participants: Special Agent Garfield Hammonds
Nancy Reed

(Sound of telephone being dialed).

(Sound of telephone ringing).

Unidentified
Female:

Hello.

Garfield
Hammonds:

Hi, uh, Nancy?

Unidentified
Female:

It's Pat. Who's this?

Hammonds:

Uh, G.G.

Unidentified
Female:

Alright, hold on a minute.

Nancy Reed:

Hey, hey.

Hammonds:

Hey.

Reed:

How's everything?

Hammonds:

Hey, pretty good, a little tired.

Reed:

Oh.

Hammonds:

Yeah. So, how's everything on your end?

Reed:

Alright.

Hammonds:

Oh yeah.

Reed:

Yeah.

Hammonds:

Alright. Work today?

Reed: No. I was off, but I've been running all day though.

Hammonds: Yea, I know cause I tried to bang you, you know.

Reed: Oh, wow.

Hammonds: Before I, uh, left you know.

Reed: Uh hunh.

Hammonds: Yeah. And I called the people and they said they hadn't heard from you either, you know.

Reed: I had to run out right quick.

Hammonds: Yeah, I can dig it.

Reed: And then that old raggedy car broke down and gave me a headache.

Hammonds: Oh really? Wow you're going to have to go out and spring for another one, you know.

Reed: Oh listen, I want one. I don't care about his. I want one.

Hammonds: For yourself, hunh. They got a lot of pretty ones out, you know. I was looking at some the other day, you know.

Reed: Hey.

Hammonds: Yeah, they got some nice ones out.

Reed: I want nothing but a little Granada. Just a little something to get me where I want to go.

Hammonds: Yeah. Get you around the corner, hunh.

Reed: That's all I want.

Hammonds: To the grocery, yeah. Well, how're we gonna do this thing?

Reed: Oh, when can I see you, when can I see you?

Hammonds: Ah, well I just got in, you know. So I'm gonna sit down.

Reed: Yeah.

Hammonds: And then, uh, I can, uh, start getting up, you know.

Reed: But can it be before nine thirty?

Hammonds: Oh yeah. It's only what now, six?

Reed: About six now.

Hammonds: Five to six, yeah.

Reed: Cause I gotta be back in the house by nine thirty.

Hammonds: Oh yeah.

Reed: Uh hunh.

Hammonds: Right. You mean then that we can take care of this before.

Reed: Well I wanna tell you something first.

Hammonds: Uh hunh.

Reed: So, you know, it's up to, you know. (Laughter).

Hammonds: Oh, so what you're telling it's got to be up to me again, right?

Reed: Yeah, but listen, don't even worry about this. (Laughter).

Hammonds: Hunh.

Reed: It's (inaudible) alright. Don't even worry about it.

Hammonds: Now, I got to worry about it now, you know, any time you're talking about the buck, hunh?

Reed: Just one or the other, that's all.

Hammonds: Oh yeah.

Reed: I want to know.

Hammonds: O.K. O.K., that's a bet. Well, I, I'll see you in a shorty then.

Reed: O.K., so call me, um, where you gonna be?

Hammonds: Ah, da, da, da, da, da. Well, I can just call you when I get up there.

Reed: O.K. Good er

Hammonds: O.K.

Reed: O.K.

Hammonds: O.K.

Reed: Alright then.

Hammonds: Later.

Reed: Bye bye.

TRANSCRIPT

DEA Exhibit A

Date: November 29, 1976

. Time:

Participants: Special Agent Garfield Hammonds
Nancy Reed

NANCY REED: Hello.

GARFIELD HAMMONDS: Hello, is she in?

REED: I'm right here.

HAMMONDS: Hi, what's happening, how are you doing?

REED: O.K.

HAMMONDS: How was your day?

REED: Oh, I had a good day today.

HAMMONDS: That's good.

REED: I have a good day everyday, except working with them customers.

HAMMONDS: Oh really?

REED: Yeah, I work for the telephone company.

HAMMONDS: Well they bug the hell out of you, huh?

REED: Oh, don't they, don't they. (Unintelligible) go home.

HAMMONDS: Oh really, what do they bug you about?

REED: Cause they don't know what they want, half of the time. And they're trying to tell me I don't know what I'm doing because I don't know what they want.

HAMMONDS: Oh really?

REED: And people just crazy, I'm telling you.

HAMMONDS: Yeah.

REED: They expect us to be mind readers.

HAMMONDS: Oh really?

REED: Yeah.

HAMMONDS: You're probably hard on people, you know, I know about that damn phone company, you know, you cut people off, you know.

REED: No, not me.

HAMMONDS: Cut the power off.

REED: Oh yeah. They'll do that definitely if you don't pay that bill.

HAMMONDS: Yeah, dig it.

REED: They cut mine off, if I don't pay mine, and I work for them.

HAMMONDS: Oh yeah?

REED: That's right.

HAMMONDS: Yeah, O.K. O.K.

REED: What's going to happen on this thing?

HAMMONDS: Hey, I was waiting on you to tell me that, you know.

REED: Like, I just came from up there right?

HAMMONDS: Uh huh.

REED: And I'm trying, trying to stall him. But he told me, he said, no, it can't be done no other way, you know.

HAMMONDS: Uh huh.

REED: I have to, you know, pick up and, you know, deliver.

HAMMONDS: Uh huh.

REED: That's the only way it can be done.

HAMMONDS: Well, how much time is he talking about?

REED: Well he told me, like he said it wasn't no rush.

HAMMONDS: Uh huh.

REED: He told me that, you know, just now. Cause I told him, I said well, you know, they got to have a little time, you know, to think about it, you know, to get the thing together.

HAMMONDS: Uh huh.

REED: You're stalling for time, right?

HAMMONDS: Uh huh.

REED: And I asked him could we do it any other way. He said no.

HAMMONDS: Uh huh.

REED: But he said, no rush, when you make up your mind, whatever, so and so, you know.

HAMMONDS: Uh huh. O.K. From your last, you know, rap with him, you know? Uh, relative to the garments, uh, what is your, I mean, how did you get it, you know? What is your picture of it?

REED: I, -- it's alright with me. I like it.

HAMMONDS: Yeah. I mean what is your picture of it? How, how does he want it done?

REED: Oh, I would have, well he said he probably would have to take it to the movies, right?

HAMMONDS: Uh huh.

REED: And check out the fare.

HAMMONDS: Uh huh.

REED: And after we check out the fare, then I'll just, that'll be it. Make arrangements to pick it up, you know, pick my daughter up.

HAMMONDS: Yeah.

REED: And I'll come on back with it.

Hammonds: Yeah.

Reed: Uh huh.

HAMMONDS: Yeah. But I mean what, what kind of time is talking, you know?

REED: Oh, oh, you mean while (unintelligible) here.

HAMMONDS: Yeah, while you're checking your fare, you know.

REED: Yeah, right, because he told me I'd have to probably go to the movies for a little while, but it shouldn't take that long.

HAMMONDS: Uh huh. Uh huh. So that leaves me out of it all, altogether, right?

REED: Yeah. It won't, it can't be done no other way.

HAMMONDS: Oh yeah.

REED: Uh huh. Not that one.

HAMMONDS: Yeah.

REED: But that's what I want you to get, cause I know that's alright.

HAMMONDS: Well that's the one I wanted, you know.

REED: That's the one I sure enough wanted you to have.

HAMMONDS: Yeah. Yeah. But these people really, are really spaced out, you know. I can't understand, you know, everybody expects to maintain their interests, you know, but they don't care anything about your interests.

REED: Right, but that's, you know, I, I tried, you know, like I tried to explain this to him ^{how,} you know, how you felt about it.

HAMMONDS: Yeah.

REED: But he said, that's the only way, cause nobody wants to, you know, to be meeting nobody at the show and stuff, you know.

HAMMONDS: Yeah, yeah.

REED: And then he's doing it as a special favor to me anyway.

HAMMONDS: Uh huh.

REED: Uh huh.

HAMMONDS: Uh huh. Oh well. Well see, you know, I have, you know, people to answer to myself, you know.

REED: Yeah. I understand.

HAMMONDS: Therefore, if everybody is not in the same step, you know, then somebody trips up, you know.

REED: Yeah. But it's, uh, I mean, I'll be very frank with you. There's really nothing to worry about, not on this one. Even Al can tell you that.

HAMMONDS: Yeah.

REED: It's really nothing to worry about on this end.

HAMMONDS: Yeah.

REED: It's really nothing to worry about on this end.

HAMMONDS: Yeah, yeah. Uh man.

REED: (Laughter). So he said, you know, told me to take my time and, you know, no rush, and this and that, you know.

HAMMONDS: Uh hunh. O.K., hey, well let me sit down, right?

REED: O.K.

HAMMONDS: And, uh, you know, think this thing through, you know.

REED: Yeah.

HAMMONDS: And, uh, — try to get it something agreeable on it, you know, and that way, you know, where everybody will know, you know, what's going to happen, you know.

REED: I really hate to see you miss this. I really would.

HAMMONDS: Hunh?

REED: I'd really hate for you to miss this.

HAMMONDS: Yeah, well, you know.

REED: You know.

HAMMONDS: You do what you gotta do, right?

REED: Yeah, right.

HAMMONDS: Yeah. What you gotta do. O.K. baby, so, uh, well you did what you had to do and I'm not going to forget that. So let me go to the table, right. Let me go to the drawing board and, uh, put a few designs on it, you know.

REED: Yeah, right.

HAMMONDS: And, uh, I'll get back to you.

REED: O.K. So let me know something now, right?

HAMMONDS: O.K.

REED: O.K.

HAMMONDS: Alright.

REED: Alright then.

HAMMONDS: Bye.

REED: Oh, wait a minute.

HAMMONDS: Yeah.

REED: On the other thing, right?

HAMMONDS: Uh hunk.

REDD: I got to know what to do about that, too. (Laughter).

HAMMONDS: Hey, well I'm not even thinking about that right now, you know.

REED: Oh, I see.

HAMMONDS: Right. Because, you know, we can always get up with that, you know.

REED: Yeah.

HAMMONDS: Yeah.

REED: O.K.

HAMMONDS: I really, I really got my, you know, head on this thing, you know.

REED: Yeah, cause I mean that's it.

HAMMONDS: Sometime you can back off to quick, you know.

REED: Yeah.

HAMMONDS: Where as if you hung in there a little longer, it'd been, it'd been everything, you know, right. See, let me explain this to you, see. If all the funds were mine, right?

REED: Yeah, I understand you.

HAMMONDS: O.K.

REED: Right.

HAMMONDS: Then we could handle that.

REED: Right.

HAMMONDS: You know, even if we had to split it up, right?

REED: Right.

HAMMONDS: Right.

REED: Yeah, I see what you're saying.

HAMMONDS: Yeah.

REED: Uh hunh.

HAMMONDS: Yeah. So, uh, that's why I say I got to go to the drawing board, you know, and, uh, hey, if they go for it, they go for it. If they don't go for it.

REED: Right.

HAMMONDS: Then, uh, they don't go for it, you know.

REED: Right.

HAMMONDS: Right.

REED: O.K., so let me know one way or the other, O.K.?

HAMMONDS: Hey, I will.

REED: Alright.

HAMMONDS: I won't keep you dangling.

REED: O.K., baby.

HAMMONDS: Alright.

REED: Alright.

HAMMONDS: Bye.

Reed: Bye bye.

NAME OF DEFENDANT

Nancy Reed

Form No. USA 33s-306 p. 1
Rev. 1975

STATEMENT OF DEFENDANT BEFORE ARRAIGNMENT
MADE TO ASSISTANT UNITED STATES ATTORNEY

Date: 23 Feb 77

Time Interview Commenced: _____ a.m. 2:45 p.m.

Q My name is HOWARD S. SUSSMAN, I am an Assistant United States Attorney. You have been arrested for a violation of 21 USC 812, 841 which relates to AMCO FILE LAW VIOLATIONS. In a few minutes you will be taken before the United States Magistrate who will fix bail in your case. Do you understand that?

A Yes

Q You have a constitutional right to refuse to answer any of my questions. Do you understand that?

A Yes

Q You have an absolute right to remain silent, and if you choose to answer any questions, any statement you do make can be used against you in a court of law. Do you understand that?

A Yes

Q You have a right to consult an attorney and to have that attorney present during this interview. Do you understand that?

A Yes

Q If you do not have funds to retain an attorney an attorney will be appointed to represent you and you do not have to answer any questions before this attorney is appointed and you can consult with him. Do you understand that?

A. Yes

Q Would you like to answer some questions about your background? Yes
You may pick and choose those questions you wish to answer, and you may stop at any time, understand?

Yes

G-1

NAME: Nancy Reed

DOB: 6/29/42
in Harlem

MARITAL STATUS: Separated
14 yrs.

SOCIAL SECURITY NUMBER: 230-54-2076

SPOUSE: Wallace Reed

DOB: May 1941 (?)

CHILDREN: Patricia - 14

ADDRESS: 1380 University Ave
Bx

APT. 14 J

RENT:

\$181/month

BEGAN LIVING THERE:

Jan. 1974

HOME TELEPHONE: 293-1688

PREVIOUS ADDRESS: 1693 Nelson Ave
Bx

DATES: ca. 1968-1974

EMPLOYED: N.Y. Tel Co.
2510 Westchester Ave
Bx

HOW LONG: 8 yrs. this coming May

BUS. PHONE: not recall. maybe
873-119

Operator

WAGES: \$218/wk; gross

PREVIOUS EMPLOYMENT: U.S. Post Office

33rd + 8th Ave - G.O.
Clerk

WAGES: —

PARENTS: Ruby and
Larnie Richardson

ADDRESS: Mother in Madison Hts, Va.
Father in lower Manhattan

WHO RESIDES WITH YOU?

daughter, Patricia

WELFARE? No
FOOD STAMPS? No
UNEMPLOYMENT? No

SELF:
AMOUNT:

SPOUSE

PROGRAM:
LOCATION:

ala

ARRESTS:

-1-

-2-

-3-

-4-

PLACE

in a fight 10/6/11

CHARGE

years ago, charges, if any,

DISPOSITION

were dismissed.

SENTENCE

Pris. at 50 W. 112.

TIME SERVED

Manhattan

PROBATION

EDUCATION: H.S. Graduate

YEARS:

WHERE: Central High, Amherst, Va.

CURRENT MEDICAL PROBLEMS: *currently undergoing test;*
PHYSICAL: *not in pain; understands what*
MENTAL: *is going on.*

HAVE YOU TAKEN OR ARE YOU NOW TAKING DRUGS? HEROIN () COCAINE ()
ADDICT? MARIJUANA OR HASHISH ()
EVER ADDICTED? *denies* AMPHETAMINES (),
WHAT DRUG? METHADONE (),
DRUG PROGRAM? LSD (), OTHER:
ALCOHOL? — *denies*

DO YOU (OR YOUR SPOUSE) HAVE ANY BANK ACCOUNT? *yes. \$500.- (Savings)*
WHERE: *Citibank, University Ave near Tremont.*

FINANCIAL:

CASH ON PERSON — *a. \$45-*
SAVINGS — *\$500 — see above*
STOCKS OR BONDS — *U.S. Savings Bonds @ \$25 each, not yet matured.*
CAR — *no*
HOUSE — *no*
OTHER PROPERTY — *no*

DOES YOUR SPOUSE WORK? *lives on Corson Ave*
WHERE? *Bx*

CITIZEN OF: *USA* ENTRY TO U.S. DATE:

PLACE OF BIRTH: *NYC* PORT OF ENTRY:

ALIEN REGISTRATION NUMBER:

REGISTERED WITH SELECTIVE SERVICE?

HAVE YOU EVER SERVED IN THE ARMED FORCES? WHEN?

TYPE OF DISCHARGE?

DO YOU HAVE ANY RELATIVES IN N. Y. AREA, OTHER THAN THOSE MENTIONED ABOVE?

NAME:

Larrie Richardson (brother)

ADDRESS:

Polo Grounds — NY + 8th Ave

Janet Boykin (sister)

*was at 738 W. 111 until
five weeks ago*

WHEN WERE YOU ARRESTED? before 8 AM today WHERE? 1380 University
145

DO YOU HAVE ANY COMPLAINTS ABOUT THE WAY THE AGENTS TREATED YOU? No

WOULD YOU LIKE TO TELL ME WHAT HAPPENED?

A friend called he and asked me to talk to people for him. She acted as a go-between. First sale of an '18th was for \$5750. Second Sale of an '18th was for \$6800. There were other sales. Got about \$300 for the first sale, of which she gave \$100 to "Al", the fellow who introduced Hammond to me; Got about \$400, which she kept, for the second sale. She got it from Billy Phoenix; "Al" is the guy who called me up. Billy is called "Little Billy" because he's very short. Marlowe got some from a different source, called Crowley, whose number is in his book.

DEFENDANT'S STATEMENT - Continued.

The Asst US Atty has read this entire
5 page statement to me, and it is accurate.

Nancy Reed
Nancy Reed

TIME INTERVIEW TERMINATED: 3:26 a.m. 3:26 p.m.

WITNESSED: ASSISTANT U. S. ATTORNEY Howard Grossman

AGENTS: Harvey Tuerck S/A, DEA
Richard Bell, S/A - DEA

BAIL RECOMMENDED: \$10,000
P.R.B.

POSSIBLE BAIL SUGGESTED
BY DEFENDANT:

BAIL SET BY MAGISTRATE:

\$10,000 P.R.B.

TIME OF

ARRAIGNMENT: 5:30 a.m. 5:30 p.m.

supervision P.S.A.

HEARING:

3/4/77 @ 10:30

LAWYER Mogel - LAS

(bail only)

TELEPHONE

BAIL WARNINGS GIVEN?

APPOINTED OR RETAINED (CIRCLE ONE)

NAME OF DEFENDANT

Morris Goldsmith

a/k/a "Marlowe"

Form No. USA 33s-306 p. 1
Rev. 1975

STATEMENT OF DEFENDANT BEFORE ARRAIGNMENT
MADE TO ASSISTANT UNITED STATES ATTORNEY

Date: 23 Feb 77

Time Interview Commenced: _____ a.m. 3:28 p.m.

Q My name is HOWARD S. SUSSMAN, I am an Assistant United States Attorney. You have been arrested for a violation of 21 USC 841 which relates to heroin (drug violation). In a few minutes you will be taken before the United States Magistrate who will fix bail in your case. Do you understand that?

A Yes

Q You have a constitutional right to refuse to answer any of my questions. Do you understand that?

A Yes

Q You have an absolute right to remain silent, and if you choose to answer any questions, any statement you do make can be used against you in a court of law. Do you understand that?

A I do

Q You have a right to consult an attorney and to have that attorney present during this interview. Do you understand that?

A I understand that

Q If you do not have funds to retain an attorney an attorney will be appointed to represent you and you do not have to answer any questions before this attorney is appointed and you can consult with him. Do you understand that?

A. I understand that

Q Would you like to answer some questions about your background? Yes
You may pick and choose those questions you wish to answer, and you may stop at any time, understand?

Yes, I do.

G-2

G-3

NAME: Morris Goldsmith

DOB: 9/7/40

MARITAL STATUS: *Separated 12 years*

alias: "Marlow"

South Carolina

SOCIAL SECURITY NUMBER: 078-32-2859

SPOUSE: Gloria

DOB: 1945

CHILDREN: Patricia Reed - 14

Marcella - 13

(lives with wife)

ADDRESS: 1966 Chatterton Ave
Bronx

APT. Priv. Home RENT: \$100/mo

BEGAN LIVING THERE: June 1974

HOME TELEPHONE: 822-7279

PREVIOUS ADDRESS: 1967 Bathgate Ave
Astoria 3x

DATES: 1964-66

EMPLOYED: *Astoria Coats/Rainwear*
Tami's
30-12 30th Ave
Astoria
Presser

HOW LONG: *nearly 7 years*

BUS. PHONE: *not recall*

WAGES: *\$28/week*

PREVIOUS EMPLOYMENT: *University Children's wear - 1974*
20 Broadway + 13th St.

WAGES: *\$250/week*

PARENTS: *Thelma Routh* ADDRESS: *1966 Chatterton*
Miller *Georgia*

WHO RESIDES WITH YOU? *his mother + stepfather, James Routh*

WELFARE? - *No*
FOOD STAMPS? - *No*
UNEMPLOYMENT? - *No*

SELF: SPOUSE
AMOUNT:

PROGRAM:
LOCATION:

ARRESTS:

-1-

-2-

-3-

-4-

PLACE

NYC

NYC

CHARGE

fel. assault

*assault,
dangerous weapon*

DISPOSITION

Reform school

G.L. Arts

SENTENCE

20-40

TIME SERVED

12 months

8 yrs 4 mos; on parole

PROBATION

This is first arrest since release on parole

EDUCATION:

11th or 12th grade

YEARS:

WHERE: *N.Y. Vocational - 138th betw 5th + Lenox*

CURRENT MEDICAL PROBLEMS:

PHYSICAL:

MENTAL:

none
no physical pain
Knows what's going on.

HAVE YOU TAKEN OR ARE YOU NOW TAKING DRUGS?

ADDICT?

EVER ADDICTED?

WHAT DRUG?

DRUG PROGRAM?

ALCOHOL? —

HEROIN () COCAINE (),

MARIJUANA OR HASHISH ():

AMPHETAMINES (—),

METHADONE (),

LSD (), OTHER:

denies
moderately —
2x week

DO YOU (OR YOUR SPOUSE) HAVE ANY BANK ACCOUNT? — no

WHERE:

FINANCIAL:

CASH ON PERSON —

SAVINGS —

STOCKS OR BONDS —

CAR —

HOUSE —

OTHER PROPERTY —

ca \$6 or \$7
no
no
1972 Toronado; GMAC — owes \$1400
no
no

DOES YOUR SPOUSE WORK?

WHERE?

CITIZEN OF:

PLACE OF BIRTH:

ENTRY TO U.S. DATE:

PORT OF ENTRY:

USA

S.C.

ALIEN REGISTRATION NUMBER:

REGISTERED WITH SELECTIVE SERVICE? yes

HAVE YOU EVER SERVED IN THE ARMED FORCES?

WHEN?

Reserves for 2 weeks; then quit TYPE OF DISCHARGE?

DO YOU HAVE ANY RELATIVES IN N. Y. AREA, OTHER THAN THOSE MENTIONED ABOVE?

NAME:

ADDRESS:

none he sees regularly

WHEN WERE YOU ARRESTED? about 7:30 a.m. WHERE? 1380 University Ave
today 145

DO YOU HAVE ANY COMPLAINTS ABOUT THE WAY THE AGENTS TREATED YOU? No

WOULD YOU LIKE TO TELL ME WHAT HAPPENED?

"Al" came over and said ~~that~~ he could get ^{me} ~~him~~ and Nancy \$500 - \$1,000 if ~~they~~ ^{we} could get him a contact for "skag" = heroin. He (def) and Nancy agreed to do that.

At this point an extended discussion of def's bail status ensued. After this discussion, def continued:

They then talked with Hammond, agreed to get him an '18th, and delivered an '18th to Hammond. Then did ~~the~~ an '18th a second time, through Little Billy. The third '18th was obtained from the same source as the 1st '18th (not Little Billy). Def says he knows other people who supply narcotics.

DEFENDANT'S STATEMENT - Continued.

The Asst U.S. Atty has read this entire
5-page statement to me, and it is accurate.

Morris Goldsmith
MORRIS GOLDSMITH

TIME INTERVIEW TERMINATED: 5:06 a.m.

WITNESSED: ASSISTANT U. S. ATTORNEY Howard Trisman

AGENTS:

\$20,000 P.B., co-sign

Harvey Tuerck S/A DEA

BAIL RECOMMENDED:

POSSIBLE BAIL SUGGESTED
BY DEFENDANT:

BAIL SET BY MAGISTRATE:

TIME OF
ARRAIGNMENT: 5:30 a.m.

\$20,000 P.B., co-sign
by Thelma Routh, mother, and
Mary ~~Henderson~~ Henderson, aunt,

HEARING:

LAWYER

Mogel (LAS)

3/4/77 @ 10:30

all purposes

BAIL WARNINGS GIVEN?

TELEPHONE

APPOINTED OR RETAINED (CIRCLE ONE)

Re: NANCY REED

Docket # 77 Cr 273

U.S. Probation Office
Southern District of New York
207, U.S. Courthouse
Foley Square
New York, New York 10007

I, the undersigned, have read the presentence report prepared on the above-named individual by the U.S. Probation Office.

 I decline to comment on the report at this time.

 I concur with the facts as submitted in the report.

 I object to the following information in the report:

(1) *The statement that the government indicates that both defendants are equally culpable in the matter is seriously misleading. While both defendants were heavily involved in the sale of the goods of the business at trial established the defendant's involvement in the prosecution was considerably more substantial than Colburn's.*

Thomas J. Lee

STEWART (Attorney)

XXXXXX

SIGNED (Defendant, if appl.)

NY 322 (C)

4/15/77

(2) *Also, the report states that the defendant's involvement in the sale of the goods of the business at trial was less than Colburn's.*

ADJ
COND

PROBATION

COMMITMENT
RECOMMENDATION

H

H

3 Moreover, the statement made by Goldsmith

with Goldsmith principal,

in the offense is also seriously
misleading. Evidence at trial showed

that her ^{satisfactory} involvement - narcotics was independent
of that association.